2022 Regular Session

HOUSE BILL NO. 783

BY REPRESENTATIVE DAVIS

1 AN ACT 2 To amend and reenact R.S. 8:1(introductory paragraph), (5), (8), (9), (11), and (13) through (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(introductory 3 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 paragraph), 676(A)(6), (B), and (C), 680(A) and (C), 701 through 705, 706(C), 801, 14 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), 23 131(A), 131.1(A), 132.1(A), 133.1(A), 133.2(B)(introductory paragraph), 135.1(A), 24 135.2(B)(introductory paragraph), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A)

ENROLLED

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1	through (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401,
2	402(introductory paragraph), 403, 404, 407, 408, 411(introductory paragraph), 412(B)(2),
3	451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(B),
4	465(A)(1)(introductory paragraph), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A),
5	502(A)(1)(a) and (D), 502.2(introductory paragraph) and (5), 503, 504, 505,
6	505.2(introductory paragraph) and (3), 506(B) and (C)(1), 506.1(A), 507, 508, 601, 604,
7	605, 606(B), 653(B), 663(B), (C), (D)(2) and (4), (E)(introductory paragraph) and (1),
8	(F)(3), and (G)(4), 673(introductory paragraph), 676(A)(6), (B), and (C), 680(A) and (C),
9	701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902,
10	903(A) and (B), 903.1, 904, and 905(C) are hereby amended and reenacted and R.S. 8:1(41)
11	through (44) are hereby enacted to read as follows:
12	§1. Definitions
13	As used in this Title, the following words and phrases, terms have the
14	following meanings unless the context otherwise clearly indicates otherwise, shall
15	have the meaning hereinafter ascribed to each:
15	have the meaning herematici ascribed to each.
16	* * * *
16	* * *
16 17	 * * * (5) "Care", "endowed care", or "perpetual care" means the maintenance,
16 17 18	* * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including
16 17 18 19	* * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained
16 17 18 19 20	* * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes.
16 17 18 19 20 21	* * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes. * * *
 16 17 18 19 20 21 22 	 * * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes. * * * (8) "Cemetery authority" means any person, firm, corporation, limited
 16 17 18 19 20 21 22 23 	 * * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes. * * * (8) "Cemetery authority" means any person, firm, corporation, limited liability company, trustee, partnership, association, or municipality owning,
 16 17 18 19 20 21 22 23 24 	 * * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes. * * * (8) "Cemetery authority" means any person, firm, corporation, limited liability company, trustee, partnership, association, or municipality owning, operating, controlling, or managing a cemetery or holding lands within this state for
 16 17 18 19 20 21 22 23 24 25 	 * * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes. * * * (8) "Cemetery authority" means any person, firm, corporation, limited liability company, trustee, partnership, association, or municipality owning, operating, controlling, or managing a cemetery or holding lands within this state for interment purposes.
 16 17 18 19 20 21 22 23 24 25 26 	 * * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes. * * * (8) "Cemetery authority" means any person, firm, corporation, limited liability company, trustee, partnership, association, or municipality owning, operating, controlling, or managing a cemetery or holding lands within this state for interment purposes. (9) "Cemetery business" and "cemetery purposes" mean any and all business"
 16 17 18 19 20 21 22 23 24 25 26 27 	 * * * * * * (5) "Care", "endowed care", or "perpetual care" means the maintenance, repair, and care of all places where interments have been or are to be made, including the improvements thereon made upon the places, in keeping with a well maintained cemetery, and general overhead expense necessary for such purposes. * * * (8) "Cemetery authority" means any person, firm, corporation, limited liability company, trustee, partnership, association, or municipality owning, operating, controlling, or managing a cemetery or holding lands within this state for interment purposes. (9) "Cemetery business" and "cemetery purposes" mean any and all business and purposes requisite to, necessary for, or incident to establishing, maintaining,

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1	(11) "Cemetery sales organization" means any legal entity contracting as an
2	independent contractor with a cemetery authority to conduct sales of one or more
3	cemetery spaces, whether by deed, servitude, grant of right to use or otherwise,
4	and/or or cemetery products. It "Cemetery sales organization" does not mean any
5	of the following:
6	(a) individual Individual salesmen or sales managers employed by and
7	contracting directly with cemetery authorities operating under in accordance with
8	this law ,
9	(b) nor does it mean funeral Funeral establishments or funeral directors
10	operating under licenses authorized by R.S. 37:831 et seq., when dealing directly
11	with a cemetery authority, with members of the family of a deceased person or other
12	persons authorized by law to arrange for the funeral and/or or interment of such
13	deceased human being ,
14	(c) or with an An individual negotiating the sale of cemetery property as a
15	part of his or her pre-need arrangements under <u>in accordance with</u> Chapter 6 hereof
16	of this Title.
17	* * *
18	(13) "Columbarium" means a building, or a structure, room, or other space
19	in a building or structure containing niches for permanent inurnment of cremated
20	remains in a place used or intended to be used, and dedicated, for cemetery purposes.
21	(14) "Community cemetery" means a cemetery owned, operated, controlled,
22	or managed by any association or organization, in which the sale of lots, graves,
23	crypts, vaults, or niches is restricted principally to individuals within a community.
24	(14.1) (15) "Corporation" means any corporation or limited liability
25	company now or hereafter organized, which is or may be authorized by its articles
26	or an operating agreement to conduct any one or more of the businesses of a
27	cemetery.
28	(15) (16) "Cremated remains" means human remains after cremation in a
29	crematory.

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1	(16) (17) "Cremation" means the reduction of the body of a deceased person
2	to cremated remains in a crematory.
3	(17) (18) "Crematory" means a building or structure containing one or more
4	retorts for the reduction of bodies of deceased persons to cremated remains.
5	(18) (19) "Crematory and columbarium" means a building or structure
6	containing both a crematory and columbarium.
7	(19) (20) "Crypt" or "vault" means a space in a mausoleum of sufficient size,
8	used or intended to be used, to entomb human remains.
9	(20) (21) "Directors" means the board of directors, board of trustees, or other
10	governing body of a cemetery authority, cemetery sales organization, or cemetery
11	management organization.
12	(20.1) (22) "Disposition" means the interment, burial, cremation, or
13	anatomical donation of the body of a deceased person or parts of the body of a
14	deceased person. Disposition shall not include any prohibited act under pursuant to
15	Part I of Chapter 12 of Title 17 of the Louisiana Revised Statutes of 1950, the
16	Louisiana Anatomical Gift Act, the Louisiana Unmarked Human Burial Sites
17	Preservation Act, or the Louisiana Historic Cemetery Preservation Act.
18	(21) (23) "Entombment" means the placement of human remains in a
19	mausoleum.
20	(22) (24) "Family burial ground" means a cemetery in which no lots are sold
21	to the public and in which interments are restricted to a group of persons related to
22	each other by blood or marriage.
23	(22.1) (25) "Force majeure" means any of the following circumstances:
24	(a) A major storm, major flood, or other similar natural disaster.
25	(b) A major accident beyond the cemetery authority's control and not
26	ultimately found to be the fault of the cemetery authority.
27	(c) The <u>A</u> delay by the federal government or any of its agencies, or the state
28	or any of its agencies or political subdivisions, in granting necessary permits.
29	(d) A valid order of any federal or state court of competent jurisdiction that
30	prevents the timely completion of a project.

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1	(23) (26) "Fraternal cemetery" means a cemetery owned, operated,
2	controlled, or managed by any fraternal organization or auxiliary organization
3	thereof, in which the sale of lots, graves, crypts, vaults, or niches is restricted
4	principally to its members.
5	(24) (27) "Grave" means a space of ground in a cemetery, used or intended
6	to be used, for burial.
7	(25) (28) "Human remains" means the body of a deceased person and
8	includes the body in any stage of decomposition, as well as cremated remains.
9	(26) (29) "Interment" means the disposition of human remains by inurnment,
10	scattering, entombment, or burial in a place used or intended to be used, and
11	dedicated, for cemetery purposes.
12	(27) (30) "Inurnment" means placing cremated remains in an urn or other
13	suitable container and placing it in a niche, crypt, or vault in a place used or intended
14	to be used, and dedicated, for cemetery purposes.
15	(28) (31) "Lawn crypts" means space for interment in preplaced chambers;
16	or burial vaults, either side by side or multiple depth, covered by earth and/or or sod
17	and known also as below-ground crypts, westministers Westminster crypts, or turf
18	top crypts.
19	(29) (32) "Lot" or "plot" means land in a cemetery used or intended to be
20	used for the interment of human remains within a grave, mausoleum, lawn crypt, or
21	lawn crypt or columbarium.
22	(30) (33) "Mausoleum" or "tomb" means a structure or building for the
23	entombment of human remains in crypts or vaults in a place used or intended to be
24	used, and dedicated, for cemetery purposes.
25	(31) (34) "Municipal cemetery" means a cemetery owned, operated,
26	controlled, or managed by a municipality or other political subdivision of the state,
27	or instrumentality thereof authorized by law to own, operate, or manage a cemetery.
28	(32) (35) "Niche" means a space in a columbarium used or intended to be
29	used for inurnment of cremated human remains.

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1	(33) (36) "Owner" means a person to whom the cemetery authority has
2	transferred full title to or the right of use of and/or or interment in any cemetery
3	space and who appears as the title holder in the official records of the cemetery
4	authority.
5	(34) (37) "Perpetual care cemetery" or "endowed care cemetery" means a
6	cemetery wherein lots and other interment spaces are sold or transferred under the
7	representation that the cemetery will receive perpetual or endowed care.
8	(35) (38) "Person" means an individual, corporation, limited liability
9	company, partnership, joint venture, association, trust, or any other legal entity.
10	(36) (39) "Privately owned cemetery" means any cemetery except a fraternal,
11	municipal, or religious cemetery, or a family burial ground.
12	(36.1) (40) "Rearrangement" or "reuse" means the act of removing and
13	disposing of a previously interred casket and the gathering and placing of human
14	remains in an alternative container within the same cemetery space in order to
15	accommodate additional interments.
16	(37) (41) "Religious cemetery" means a cemetery that is owned, operated,
17	controlled, or managed by a recognized church, religious society, association, or
18	denomination, or by a cemetery authority or a corporation administering or through
19	which is administered the temporalities of any recognized church, religious society,
20	association, or denomination.
21	(38) (42) "Sale" means the sale of the full title to any cemetery space or the
22	sale of the right of use of and/or or interment in any cemetery space.
23	(39) (43) "Temporary receiving vault" means a cemetery space used or
24	intended to be used for the temporary placement of human remains.
25	(40) (44) "Trustee" means the separate legal entity designated as trustee of
26	a cemetery care fund.
27	* * *
28	§67. Rules and regulations
29	The board may establish necessary rules and regulations for the
30	administration and enforcement of this title Title and prescribe the form of

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1	statements and reports provided for herein in this Title, but such rules and
2	regulations shall not be in conflict with or contrary to any of the provisions of this
3	title <u>Title</u> or of R.S. 49:951, et seq.
4	* * *
5	§70. Application for certificate of authority
6	The initial application for a certificate of authority, including without
7	limitation an application for a new certificate required by R.S. 8:76, shall be made
8	in writing by a cemetery authority to the board on a form prescribed by the board,
9	accompanied by an application fee set by the board not to exceed one thousand
10	dollars. Applications for renewal of a valid, subsisting, and unsuspended certificate
11	of authority shall be made in similar fashion, accompanied by the regulatory charge
12	provided for in this Title. All initial applications must shall show that the cemetery
13	authority owns or is actively operating a cemetery which is subject to the provisions
14	of this Title.
15	* * *
16	§76. Sale or transfer of cemetery authority; application for new certificate of
17	authority; compliance required; late charge
18	A. Within thirty days after the sale or transfer of ownership or control of a
19	cemetery or cemetery authority, the transferor must shall return its certificate of
20	authority to the board. The transferee must shall file an application, within thirty
21	days, after the sale or transfer of ownership or control of a cemetery authority, and
22	meet all the requirements of this Chapter. The application for a certificate of
23	authority shall be accompanied by the prescribed regulatory charge.
24	B. Transferees which who fail to file an application for a certificate of
25	authority at the time required herein in Subsection A of this Section shall, in addition
26	to the prescribed regulatory charge, pay an additional late charge of fifty percent of
27	the prescribed regulatory charge or one hundred dollars, whichever is lesser.
28	* * *

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

* *

3 D. Notwithstanding the provisions of this Section, every cemetery authority 4 or person, hereinafter referred to in this Subsection referred to as the "applicant", 5 seeking to be identified as a cemetery or columbarium facility that is exempt 6 pursuant to the provisions of this Section, shall provide the board such proof as the 7 board deems necessary to determine whether an applicant meets the qualifications 8 for exemption. If the board determines that an applicant is qualified for exemption, 9 the applicant shall apply for an exempt certificate of authority on a form prescribed 10 by the board, accompanied by an application fee of two hundred fifty dollars to cover 11 the board's reasonable and ordinary expenses associated with determining whether 12 the applicant is in compliance with applicable provisions of this Title. 13 14 §103. Anticipation of revenues; bonds or certificates; taxes 15 In order to provide a site or grounds and additions thereto and to provide and 16 maintain streets, curbings, aisles, walkways, outside fences, drainage, and any 17 building that may be needed for the use of a sexton or caretaker, as well as any 18 electrical illumination needed, and to provide for the employment of a sexton or 19 caretaker and the cutting of grass and the acquisition of and planting and care of 20 trees, shrubbery, and flowers, the governing authority of the municipality may either 21 anticipate the revenues of the municipality or issue bonds or certificates based 22 thereon as provided by law, or submit to the taxpayers at a special election to be 23 called and held in the municipality by the governing authority, pursuant to the law, 24 to vote negotiable bonds, within the limitations authorized by law, for any of the 25 above purposes, and thereafter levy and collect taxes and pay and retire the bonds

authorized at the election.

27

* * :

- 28 §105. Maximum tax; use of proceeds
- 29The special election called in accordance with the provisions of R.S. 8:10330and 104 may be for a sum not in excess of one mill on the dollar assessment on all

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1	real immovable property subject to taxation, and may be held under the election laws
2	relative to voting special taxes. It shall not be necessary to fund the revenues into
3	bonds, but revenues may be spent as received for the purposes herein set forth in this
4	Chapter.
5	* * *
6	§107. Gifts, donations and contributions
7	The municipal governing authority may accept gifts for purposes of
8	establishing and/or or maintaining a public cemetery, provided there is no condition
9	thereto inconsistent with the purposes herein set forth in this Chapter.
10	* * *
11	§122. Board, qualification of members; appointment; vacancies; removal of
12	members; officers
13	A. The St. Mary Parish Cemetery District shall be governed by a board of
14	five commissioners, hereinafter referred to in this Chapter as the board, who shall be
15	qualified voters and residents of the district and who shall serve without
16	compensation. The board shall be appointed by the parish governing authority, one
17	member to be from each of the following: the unincorporated area of Police Jury
18	District 3, that part of Police Jury District 5 lying outside of 1980 Census
19	Enumeration Districts 150T, 150U, and 151, the municipalities of Berwick and
20	Morgan City, and the area of Bayou Vista. Three of the initial commissioners so
21	appointed shall serve for two years, two for four years, and one for five years.
22	* * *
23	§123. Corporate status; purpose; powers and duties
24	* * *
25	B. The district, through its board of commissioners, is hereby granted and
26	shall have and may exercise all powers necessary or convenient for carrying out its
27	purposes, including , but not limited to the following:
28	* * *

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1	§131. Rapides Parish Cemetery District; creation; location
2	A. The Rapides Parish Police Jury is hereby authorized to create the Rapides
3	Parish Cemetery District, hereinafter referred to in this Chapter as the "district", to
4	be composed of that part of Rapides Parish located outside the incorporated
5	municipalities of the parish. The objective and purpose of the district shall be the
6	preservation and restoration of ancestral resting places, and abandoned or historic
7	cemeteries, thereby preserving heritage and encouraging tourism.
8	* * *
9	§131.1. Board of commissioners; membership; appointment; vacancies; removal of
10	members; officers
11	A. The Rapides Parish Cemetery District shall be governed by a board of
12	nine commissioners, hereinafter referred to in this Chapter as the board, who shall
13	be qualified voters and residents of the district and who shall serve without
14	compensation. The police jury shall appoint one commissioner from each of the
15	police jury districts. Three of the initial commissioners so appointed shall serve for
16	two years, three for three years, and three for four years.
17	* * *
18	§132.1. Board, qualification of members; appointment; vacancies; removal of
19	members; officers
20	A. The Grant Parish Cemetery District shall be governed by a board of five
21	commissioners, hereinafter referred to in this Chapter as the "board", who shall be
22	registered voters and residents of Grant Parish and who shall serve without
23	compensation. The board shall be appointed by the governing authority of Grant
24	Parish. Two of the initial commissioners so appointed shall serve for two years, two
25	for four years, and one for five years.
26	* * *
27	§133.1. Board, qualification of members; appointment; vacancies; removal of
28	members; officers
29	A. The LaSalle Parish Cemetery District shall be governed by a board of five
30	commissioners, hereinafter referred to in this Chapter as the "board", who shall be

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1	registered voters and residents of LaSalle Parish and who shall serve without
2	compensation. The board shall be appointed by the governing authority of LaSalle
3	Parish. Two of the initial commissioners so appointed shall serve for two years, two
4	for four years, and one for five years.
5	* * *
6	§133.2. Corporate status; powers and duties
7	* * *
8	B. The district, through its board of commissioners, is hereby granted and
9	shall have and may exercise all powers necessary or convenient for carrying out its
10	purposes, including but not limited to the following:
11	* * *
12	§135.1. Board, qualification of members; appointment; vacancies; removal of
13	members; officers
14	A. The Sweet Lake - Grand Lake Community Cemetery District shall be
15	governed by a board of five commissioners, hereinafter referred to in this Chapter
16	as the "board", who shall be qualified voters and residents of the district and who
17	shall serve without compensation. The board shall be appointed by the governing
18	authority of Cameron Parish. Two of the initial commissioners so appointed shall
19	serve for two years, two for four years, and one for five years.
20	* * *
21	§135.2. Corporate status; powers and duties
22	* * *
23	B. The district, through its board of commissioners, is hereby granted and
24	shall have and may exercise all powers necessary or convenient for carrying out its
25	purposes, including but not limited to the following:
26	* * *
27	§141. St. Landry Parish Cemetery District; creation; boundaries; purpose
28	The governing authority of St. Landry Parish is hereby authorized to create
29	the St. Landry Parish Cemetery District, hereinafter referred to in this Chapter as the
30	"district", the boundaries of which shall be coterminous with the boundaries of St.

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1	Landry Parish. The objective and purpose of the district created under in accordance
2	with the provisions of this Chapter shall be the acquisition, establishment, operation,
3	and maintenance of one or more public cemeteries within the district.
4	§141.1. Board; qualification of members; appointment; vacancies; officers
5	* * *
6	C. The commission shall be governed by a board of commissioners and shall
7	be known as the Board of Commissioners of District Cemetery
8	Commission of St. Landry Parish, hereinafter referred to in this Chapter as the
9	"board".
10	* * *
11	§141.3. District as a political subdivision; election imposing taxes, maximum tax;
12	authority
13	* * *
14	B. The board shall have the power to levy and collect, within said the
15	boundaries of a district, an ad valorem tax not exceeding one mill on the dollar of
16	assessed valuation on all immovable property in the district, for a period not to
17	exceed ten years, as authorized by R.S. 33:2740.1.
18	C. The imposition, collection, and enforcement of the tax and any procedural
19	details necessary to be established to supplement the provisions of this Section and
20	to make provisions applicable to the tax imposed hereunder in Subsection B of this
21	Section shall be fixed by the resolution of the commission. The commission shall
22	have the authority to contract with the sheriff, the Department of Revenue, or any
23	other agency or political subdivision for the collection of the tax.
24	* * *
25	E. The tax shall be adopted by a commission only after the question of the
26	imposition of such tax and the funding thereof into bonds under pursuant to the
27	provisions of this Section shall have been submitted to the qualified electors within
28	the boundaries of such district at an election to be called, conducted, canvassed, and
29	promulgated by the governing authority of such district in accordance with the
30	general laws of the state governing the authorization of general obligation bonds and

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1 the majority of the qualified electors voting in such election shall have voted in favor 2 of such additional tax and the funding thereof into bonds. 3 F. The resolution imposing any tax hereunder in Subsection B of this 4 Section, or amendments hereto, shall specify that the avails of proceeds of the tax 5 after payment of collection costs shall be used solely by such commission for the maintenance of all areas that fall under the heading of Public Cemetery. The 6 7 proposition approved at said the election shall constitute a full and complete 8 dedication of the avails or proceeds of said the tax and its provisions shall control the 9 allocation and expenditure thereof. 10 11 §204. Specific powers; rule making and enforcement 12 A cemetery authority may make, adopt, amend, add to, revise, repeal, or 13 modify, and enforce rules and regulations for the use, care, control, management, 14 restriction, and protection of all or any part of its cemetery, including without 15 limitation the following: 16 (1) It may restrict and limit the use of all property within its cemetery; 17 (2) It may regulate the uniformity, class, and kind of all markers, monuments 18 and other structures within the cemetery and its subdivisions;. 19 (3) It may regulate or prohibit the erection and/or or installation of 20 monuments, markers, effigies, structures, and foundations within the cemetery; 21 (4) It may regulate or prevent the introduction or care of plants or shrubs 22 within the cemetery; 23 (5) It may prevent interment in any part of the cemetery of human remains 24 not entitled to interment and prevent the use of interment spaces for purposes 25 violative of its restrictions or rules and regulations; 26 (6) It may regulate the conduct of persons and prevent improper assemblages in the cemetery, and. 27 28 (7) It may make and enforce rules and regulations for all other purposes 29 deemed necessary by the cemetery authority for the proper conduct of the business 30 of the cemetery, for the transfer of any interment space or the right of interment, and

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the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted.

* * *

§302. Surveys and maps

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

13 B. The preparation and use of any survey, map, or plat hereinabove 14 contemplated required by Subsection A of this Section shall not constitute the 15 dedication of the property depicted thereon solely for cemetery purposes, until and 16 unless such property is actually used for said those purposes. Accordingly, each 17 such survey, map, or plat may include undeveloped areas which may be marked 18 "reserved for future development" and, when so marked, said those areas, when 19 subsequently developed and used for cemetery purposes shall be considered 20 dedicated for such purposes, but if such areas are not to be used for cemetery 21 purposes, the cemetery authority shall have the right to use such areas for any other 22 lawful purposes.

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

- * * *
- 26 §303. Maps and plats; amendment

Any part or subdivision of the property as shown in the survey, map, or plat referred to in R.S. 8:301 may, by order of the directors of the cemetery authority, be resurveyed and altered in shape and size and an amended survey, map, or plat may be prepared so long as such change does not disturb the interred remains of any

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1	deceased person. Said The amended survey, map, or plat shall be available for
2	inspection as hereinabove provided in R.S. 8:302(C).
3	* * *
4	§305. Rule against perpetuities, etc., inapplicable
5	Dedication to cemetery purposes pursuant to this title <u>Title</u> is not invalid as
6	violating any laws against perpetuities or the suspension of the power of alienation
7	of title to or use of property but is expressly permitted and shall be deemed
8	considered to be in respect for the dead, a provision for the interment of human
9	remains, and a duty to and for the benefit of the general public.
10	§306. Removal of dedication; procedure
11	A. Legislative intent. The following is the intent of the legislature:
12	(1) That the protection of unmarked human burial sites has been entrusted
13	to the Louisiana Division of Archaeology Department of Culture, Recreation and
14	Tourism, division of archaeology and the attorney general.
15	(2) Notice of a judicial proceeding shall be given to the Louisiana Division
16	of Archaeology Department of Culture, Recreation and Tourism, division of
17	archaeology and the attorney general in an action to cause the cemetery's dedication
18	protection to be removed.
19	B. Property dedicated to cemetery purposes shall be held and used
20	exclusively for cemetery purposes unless and until the dedication is removed from
21	all or any part of it by judgment of the district court of the parish in which the
22	property is situated in a proceeding brought by the cemetery authority for that
23	purpose and upon notice of hearing to the board, and by publication as hereinafter
24	provided in R.S. 8:307, and proof satisfactory to the court:
25	(1) That no interments were made in or that all interments have been removed
26	from that portion of the property from which dedication is sought to be removed;
27	and.
28	(2) That the portion of the property from which dedication is sought to be
29	removed is not being used for interment of human remains.

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1	C. When a petition is filed in court pursuant to Subsection B of this Section,
2	a copy of the petition shall be served upon the Louisiana Division of Archaeology
3	Department of Culture, Recreation and Tourism, division of archaeology and the
4	attorney general.
5	D.(1) The board or Louisiana Division of Archaeology Department of
6	Culture, Recreation and Tourism, division of archaeology shall have the right to
7	intervene in any action filed pursuant to Subsection B of this Section.
8	(2) The attorney general may represent the board or the Louisiana Division
9	of Archaeology Department of Culture, Recreation and Tourism, division of
10	archaeology in any action filed pursuant to Subsection B of this Section.
11	§307. Notice of hearing
12	The notice of hearing by publication provided in R.S. 8:306 shall be given
13	by publication once a week for at least three consecutive weeks in a newspaper of
14	general circulation in the parish where the cemetery is located and the posting of
15	copies of the notice in three conspicuous places on that portion of the property from
16	which the dedication is to be removed. Said The notice shall:
17	(1) describe Describe the portion of the cemetery property sought to be
18	removed from dedication.;
19	(2) state State that all remains have been removed or that no interments have
20	been made in the portion of the cemetery property sought to be removed from
21	dedication.; and
22	(3) specify Specify the time and place of hearing.
23	§308. Sale of cemetery spaces; abandoned spaces; defined;; sale of abandoned
24	spaces
25	A. After completing the map or plat, a cemetery authority may sell and
26	convey interment spaces, subject to such rules and regulations as may be then in
27	effect or thereafter adopted by the cemetery authority, and subject to such other
28	limitations, conditions, and restrictions as may be inserted included in the instrument
29	of conveyance of such cemetery spaces.
30	* * *

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1	C.(1) Interment space shall be deemed to have been abandoned when one of
2	the following occurs:
3	(1) after a (a) A cemetery authority shall have been unable after diligent
4	efforts for twenty five years to locate any of the owners or their successors or heirs
5	after diligent efforts for twenty-five years., or,
6	(2) in (b) In the event such interment space is no longer fit for human burial,
7	there has been no interment in the preceding twenty-five years and the cemetery
8	authority shall have been unable, after diligent efforts for one year, to locate any of
9	the owners or their successors or heirs to provide care, maintenance, or repairs for
10	an interment space after diligent efforts for one year.
11	(2) A cemetery authority shall be deemed to have made diligent efforts to
12	locate the owners or their successors or heirs of an interment space for a specified
13	period of time if such authority:
14	(1) has (a) Has advertised a notice stating that such authority proposes to
15	acquire such interment space pursuant to this Section, which notice shall be
16	advertised:
17	(a) in (i) In the case of the twenty-five year twenty-five-year period:
18	provided herein
19	(i) once (aa) Once a year in each of the first twenty-four years of such
20	period <u>.</u> , and
21	(ii) once (bb) Once a month during the last year of such twenty-five year
22	twenty-five-year period., and
23	(b) in (ii) In the case of the one year one-year period, provided herein, once
24	a month during such one year one-year period.;
25	(2) has (b) Has posted a notice on the space to the same effect as that
26	specified in clause (1) of this sentence, Subparagraph (a) of this Paragraph, once a
27	month during the last year of either of such periods of time; and (3) has mailed a
28	registered/certified registered or certified letter to the last known owners of said the
29	interment space; which letter shall contain a notice to the same effect as that
30	specified in clause (1) of this statement Subparagraph (a) of this Paragraph;

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1	provided, however, that the requirement requirements of clause (3) of this sentence
2	this Subparagraph shall not be applicable to the extent that the records of the
3	cemetery authority acting pursuant to this Section do not contain the name and
4	address of any owner of said the interment space. or
5	(4) be (c) If the cemetery authority is determined by a court of competent
6	jurisdiction to have exercised diligent efforts to locate the owners; provided,
7	however, that prior to the initiation of any such legal action the cemetery authority
8	has conformed with the requirements of the one-year one-year period of monthly
9	advertisements, postings, and mailings as provided hereinabove in Subparagraph (a)
10	of this Paragraph and evidence of such notices has been exhibited to the court.
11	* * *
12	§311. Commission on sales prohibited
13	It shall be unlawful for a cemetery authority, directly or indirectly, to pay or
14	offer to pay to any person, firm, or corporation not licensed under this title pursuant
15	to this Title, a commission or bonus or rebate commission, bonus, rebate, or other
16	thing of value for the sale of an interment space. This shall not apply to a person
17	employed by the cemetery authority to make such sales.
18	* * *
19	§314. Record of ownership and transfers
20	A record shall be kept by each cemetery authority of the ownership of each
21	interment space in the cemetery conveyed by it the cemetery authority and of all
22	transfers thereof made of each interment space. No transfer of any interment space
23	heretofore or hereafter made, or of any right of interment, shall be complete or
24	effective until actually recorded in the official records of the cemetery authority.
25	* * *
26	§316. Opening of roads, railroads through cemetery; consent required, exception
27	After dedication pursuant to this title Title, and as long as the property
28	remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line,
29	pole line, or other public thoroughfare or utility shall be laid out, through, over, or
30	across any part of it without the consent of the cemetery authority owning and
31	operating it. If said the cemetery authority is not in existence or not operating, then

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1	the consent of not less than two-thirds of the owners of interment spaces shall be
2	required.
3	§317. Certain cemetery lands exempt from taxes
4	Property dedicated for cemetery purposes, including cemetery spaces and the
5	land on which they stand, shall be exempt from all taxation to the fullest extent
6	permitted by the constitution Constitution of Louisiana and laws of this state.
7	§401. License to engage in business
8	No person shall engage in the business of a cemetery sales organization or
9	a cemetery management organization except as authorized by this title Title and
10	without first obtaining a license from the board.
11	§402. Application for license
12	Any person wishing to establish and operate the business of a cemetery sales
13	organization or a cemetery management organization must shall operate as a
14	corporation as required by R.S. 8:201 and shall file with the board a written
15	application for a license to operate. The application shall be on a form issued by the
16	board which shall require, as \underline{at} a minimum, that the documents and information
17	submitted to the board shall include:
18	* * *
19	§403. Application fee; annual fee
20	The application shall be accompanied by an initial filing fee of two hundred
21	fifty dollars for each cemetery sales organization and each cemetery management
22	organization. An annual fee of a like amount shall be paid. If ninety percent or more
23	of the applicant is owned by an existing cemetery authority operating under pursuant
24	to the provisions of this Title, the initial filing fee, as well as the annual fee, shall be
25	one-half of the sums set out herein in this Section.
26	§404. Investigation by board
27	Upon receipt of an application, together with the filing fee, the board shall
28	cause an investigation to be made, prior to approval of an applicant, to determine
29	each of the following:
30	(1) The legal entity that is to conduct the business of applicant and if said the

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1	entity is a foreign corporation, whether or not it is qualified to do business in
2	Louisiana ; and .
3	(2) The identity of the principal owners, principal stockholders, and of all
4	directors and officers, and the ability, experience, financial stability, and integrity of
5	each of said the parties to conduct the business stated in the application.
6	* * *
7	§407. Sale or transfer of cemetery sales or cemetery management organization;
8	application for new license; compliance required
9	Within ten days after the sale or transfer of ownership or control of a
10	cemetery sales or management organization, the transferor organization must shall
11	return its license to the board. The transferee, within ten days, must shall apply for
12	a new license and meet all the requirements of this Chapter. Upon the filing of a
13	completed application, the transferee may operate the business until its application
14	is acted upon by the board.
15	§408. Penalties
16	Any person, cemetery sales organization, or cemetery management
17	organization violating the provisions of this chapter Chapter shall be guilty of a
18	misdemeanor punishable by a fine of not less than two hundred dollars nor more than
19	one thousand dollars or by imprisonment of not less than thirty days nor more than
20	one year, or both, and shall be subject to revocation of his or its license to operate.
21	§411. Definitions
22	As used in this Chapter, the following terms have the following meanings
23	hereinafter ascribed to them:
24	* * *
25	§412. Application for license; qualifications; fees
26	* * *
27	В.
28	* * *
29	(2) Nothing herein in this Section shall restrict a licensee from paying
30	necessary expenses and maintenance costs to contractors.
31	* * *

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1	§451. Corporate operation
2	It shall be unlawful to operate a perpetual or endowed care cemetery in this
3	state except by means of a corporation organized under in accordance with the laws
4	of this state. This Section, however, shall not apply to any person, firm, or
5	corporation which, prior to August 1, 1962, owned and operated a cemetery in which
6	said the persons, firm, or corporation had sold or contracted to sell interment spaces
7	with a provision for perpetual or endowed care, if said the person, firm, or
8	corporation has complied with the provisions of R.S. 8:457.
9	* * *
10	§453. Cemeteries in existence on August 1, 1962; acts prohibited
11	No owner of a cemetery in existence on August 1, 1962, who previously to
12	such date has not sold or contracted to sell any interment space in said the cemetery
13	with a provision for perpetual or endowed care shall thereafter advertise or otherwise
14	hold out to the public that said the cemetery or any individual interment space
15	therein is entitled to perpetual or endowed care unless the owner has established a
16	trust fund for perpetual or endowed care as provided by this chapter Chapter.
16 17	trust fund for perpetual or endowed care as provided by this chapter <u>Chapter</u> . * * *
17	* * *
17 18	§454.1. Administration of trust funds; maintenance; exemption from seizure
17 18 19	 * * * §454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only
17 18 19 20	 * * * \$454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the
17 18 19 20 21	 * * * \$454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with
17 18 19 20 21 22	 * * * \$454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the
 17 18 19 20 21 22 23 	 * * * \$454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of said the fund shall be used solely for the care of interment spaces sold
 17 18 19 20 21 22 23 24 	 * * * \$454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of said the fund shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care and for the care of other portions of
 17 18 19 20 21 22 23 24 25 	 * * * §454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of said the fund shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care and for the care of other portions of the cemetery immediately surrounding said the spaces as may be necessary to
 17 18 19 20 21 22 23 24 25 26 	 * * * §454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of said the fund shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care and for the care of other portions of the cemetery immediately surrounding said the spaces as may be necessary to preserve the beauty and dignity of the spaces sold. The fund or its income shall
 17 18 19 20 21 22 23 24 25 26 27 	* * * * §454.1. Administration of trust funds; maintenance; exemption from seizure A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of said the fund shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care and for the care of other portions of the cemetery immediately surrounding said the spaces as may be necessary to preserve the beauty and dignity of the spaces sold. The fund or its income shall never be used for the development, improvement, or embellishment of unsold

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1	§455. Annual report by cemeteries
2	All cemeteries subject to the provisions of this chapter Chapter shall file with
3	the trustee, as defined herein in this Chapter, not later than ninety days after the close
4	of the business year, a report setting forth the volume and the gross selling price of
5	sales upon which a deposit with the trustee is required by this chapter Chapter.
6	* * *
7	§457. Application of Chapter
8	A. Any cemetery in existence on August 1, 1962, which, prior to such date,
9	sold or contracted to sell interment spaces with a provision for perpetual or endowed
10	care, qualifies for the exceptions set forth in this Chapter if the owner of said the
11	cemetery filed in the office of the recorder of mortgages for the parish in which said
12	the cemetery is located, a sworn affidavit executed by said the owner, or its principal
13	officer, setting forth <u>all of</u> the following:
14	(1) That a care fund was in existence for $\frac{1}{1}$ cemetery, the principal of
15	which was equal to a minimum of ten percent of the gross sales of interment spaces
16	made by said the cemetery since its inception or since January 1, 1961, whichever
17	date is later.
18	(2) The nature and character of the assets comprising such care fund.
19	(3) The name of the financial institution or trustees or other entity which had
20	custody and control of such fund.
21	B. A like affidavit shall be filed with the board at the end of each fiscal year
22	thereafter for the operation of such cemetery.
23	C. No cemetery in existence on August 1, 1962, which prior to such date had
24	sold or contracted to sell lots in said the cemetery with a provision for perpetual or
25	endowed care shall thereafter continue to operate as a perpetual or endowed care
26	cemetery without having filed and without hereafter filing the affidavits required by
27	this section Section. However, an affidavit filed by a cemetery before July 31, 1974,
28	and recorded in the mortgage records of the parish of its domicile, setting forth that
29	the perpetual care or endowed care fund has been properly and continually
30	maintained since January 1, 1961, shall be considered conclusive proof that the

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1	provisions of this section Section have been complied with and shall place said the
2	cemetery authority within the excepted cemeteries.
3	§458. Prohibited acts; injunctions
4	No person or cemetery authority shall offer for sale or sell any interment
5	space in any cemetery with a provision for perpetual or endowed care, or in any
6	manner represent, advertise, or hold out to the public that said the cemetery, or any
7	portion thereof, is entitled to perpetual or endowed care unless and until such person
8	or authority has complied with the provisions of this Chapter. The board may
9	institute legal proceedings to enjoin any person or cemetery authority from violating
10	the provisions of this Section.
11	§459. Cemeteries exempt
12	The provisions of this chapter Chapter shall not apply to any family burial
13	ground or religious, fraternal, municipal, state, or federal cemetery.
14	§459.1. Trust fund transfers
15	A. The provisions of R.S. 8:459 notwithstanding, whenever the ownership
16	or management of a cemetery is transferred and by virtue of such transfer becomes
17	a family burial ground or a religious, fraternal, municipal, state, or federal cemetery,
18	the existing perpetual care trust fund of such transferred cemetery shall remain
19	permanently intact and only the income therefrom shall be expended. The income
20	shall be used solely for the upkeep and maintenance of said the cemetery.
21	B. The trustee of any such perpetual care trust fund shall be a federally
22	insured financial institution or trust company located in Louisiana and authorized to
23	exercise trust or fiduciary powers under in accordance with the laws of Louisiana or
24	the United States.
25	* * *
26	§460. Penalties
27	Whoever violates any of the provisions of this chapter Chapter, shall, upon
28	conviction, be fined not more than one thousand dollars, or imprisoned for not more
29	than six months, or both.

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1	§461. Examination of endowment funds; expenses
2	* * *
3	B. The expense of the examination as provided herein in Subsection A of
4	this Section shall not exceed two hundred fifty dollars per day for each examiner
5	engaged in the examination, but when the examination requires more than two days,
6	the cost shall be paid by the cemetery authority in an amount not to exceed a total of
7	five hundred dollars, unless irregularities are found, in which case the cemetery
8	authority shall pay the full cost of the examination. The examination shall be
9	privately conducted in the principal office of the cemetery authority or trustee.
10	* * *
11	§465. Order requiring reinvestment in compliance with law; actions for preservation
12	and protection
13	A. All funds held in trust for perpetual care purposes shall be administered
14	by the trustee with such skill and care as a man of ordinary prudence, discretion, and
15	intelligence would exercise in the management of his own affairs, not in regard to
16	speculation but in regard to the permanent disposition of his funds, considering the
17	probable income as well as the probable safety of his capital, subject to the following
18	restrictions:
19	(1) No such funds shall hereafter, directly or indirectly, be loaned to or
20	invested with any of the following:
21	* * *
22	(b) Any trustee of said the funds.
23	(c) Anyone related by blood, adoption, or marriage to any individuals
24	included in <u>Subparagraphs</u> (a) and (b) above of this Paragraph.
25	* * *
26	(2) An affidavit from the borrower that, to the best of said <u>the</u> borrower's
27	knowledge and belief, the subject loan is not in violation of these restrictions, shall
28	suffice to establish for the trustee a conclusive presumption that such is the case.
29	* * *
30	(4) Investment of such funds shall only be made in any of the following:
31	* * *

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1	(h) Loans secured by a mortgage or mortgages on improved immovable
2	property situated exclusively in the this state of Louisiana for not more than an
3	aggregate of seventy-five percent of the appraised value of the property and for a
4	term amortized over a period not exceeding thirty years; and unless otherwise
5	provided by regulation of the Louisiana Cemetery Board must shall bear interest at
6	not less than the maximum rate permitted at the time of investment by the Federal
7	Housing Administration for loans to be insured.
8	(5) Whenever any of the funds of an endowment or perpetual care trust are
9	invested in or secured by a mortgage or whenever such a mortgage represents part
10	of the assets of such a fund, the trustee shall retain in its own or constructive custody
11	and furnish the cemetery authority with the following documents:
12	* * *
13	(d) An original, or photo copy photocopy, of an appraisal current at the time
14	of the mortgage, said appraisal to which shall be made by an appraiser meeting the
15	qualifications of the board, as provided by rule and regulation.
15 16	qualifications of the board, as provided by rule and regulation. * * *
16	* * *
16 17	 * * * B. Whenever the board finds, after notice and hearing, that any endowment
16 17 18	* * * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u> , it shall, by
16 17 18 19	 * * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u>, it shall, by written order mailed to the trustee and to the cemetery authority, require the
16 17 18 19 20	 * * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u>, it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this title <u>Title</u> within the period
 16 17 18 19 20 21 	* * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u> , it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this title <u>Title</u> within the period specified by it, which shall not be more than six months. Such period may be
 16 17 18 19 20 21 22 	* * * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u> , it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this title <u>Title</u> within the period specified by it, which shall not be more than six months. Such period may be extended by the board in its discretion.
 16 17 18 19 20 21 22 23 	 * * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u>, it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this title <u>Title</u> within the period specified by it, which shall not be more than six months. Such period may be extended by the board in its discretion. C. The board may bring actions for the preservation and protection of
 16 17 18 19 20 21 22 23 24 	 * * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u>, it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this title <u>Title</u> within the period specified by it, which shall not be more than six months. Such period may be extended by the board in its discretion. C. The board may bring actions for the preservation and protection of endowment or perpetual care funds in the district court of the parish in which the
 16 17 18 19 20 21 22 23 24 25 	* * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u> , it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this title <u>Title</u> within the period specified by it, which shall not be more than six months. Such period may be extended by the board in its discretion. C. The board may bring actions for the preservation and protection of endowment or perpetual care funds in the district court of the parish in which the cemetery is located, and the court may appoint a substitute trustee or trustees and
 16 17 18 19 20 21 22 23 24 25 26 	 * * * B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title <u>Title</u>, it shall, by written order mailed to the trustee and to the cemetery authority, require the reinvestment of the funds in conformity with this title <u>Title</u> within the period specified by it, which shall not be more than six months. Such period may be extended by the board in its discretion. C. The board may bring actions for the preservation and protection of endowment or perpetual care funds in the district court of the parish in which the cemetery is located, and the court may appoint a substitute trustee or trustees and make any other order necessary for the preservation, protection, and recovery of

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1	(1) Transferred or attempted to transfer any property to or make any loan
2	from or investment with the endowment or perpetual care funds in violation of
3	Subsection A of this Section.
4	(2) failed Failed to reinvest endowment or perpetual care funds in
5	accordance with a board order issued under pursuant to the authority of Subsection
6	B of this Section ; or,.
7	(3) invested Invested endowment or perpetual care funds in violation of this
8	title; or, <u>Title.</u>
9	(4) taken <u>Taken</u> action or failed to take action to preserve and protect the
10	endowment or perpetual care funds, evidencing a lack of concern therefor; or, .
11	(5) become <u>Become</u> financially irresponsible or transferred control of the
12	cemetery authority to any person who, or business entity which, is financially
13	irresponsible ; or, .
14	(6) become <u>Become</u> in danger of insolvency or has gone into bankruptcy or
15	receivership ; or, .
16	(7) taken <u>Taken</u> any action in violation of this title <u>Title</u> or failed to take
17	action required by this title Title or has failed to comply with lawful rules,
18	regulations, and orders of the board.
19	* * *
20	§501. Application
21	A. Except as hereinafter provided in this Chapter, no person or legal entity,
22	including a cemetery authority, shall, directly or indirectly, enter into a contract for
23	the sale of personal property or services which may be used in a cemetery in
24	connection with the disposing or commemorating of the memory of a deceased
25	human being, if delivery of such personal property or performance of such services
26	is to be made more than one hundred twenty days after entering into such contract,
27	except as provided in R.S. 8:502(A), 502.1, and 502.2.
28	* * *

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1	§502. Payments to trust; amounts required
2	A.(1)(a) Any cemetery authority or other entity entering into a contract for
3	the sale of such personal property as described in R.S. 8:501 of this Chapter, when
4	the delivery of the personal property within the meaning of R.S. 8:502.1, is made
5	more than one hundred twenty days after entering into such contract, shall deposit
6	seventy percent of the price charged, less sales taxes, for each item of personal
7	property contracted for, contracted for at a discount, or contracted for without charge
8	into a trust fund established for that purpose.
9	* * *
10	D. Each deposit herein required in Subsection A of this Section shall be paid
11	into the trust fund so established within twenty days after the close of the month of
12	receipt from the purchaser by the cemetery authority or other entity, except that the
13	entire amount required to be deposited based upon the sales price, less sales taxes,
14	shall be so deposited in trust within seven years from the date of the original sale,
15	regardless of whether or not all amounts due therefor shall have actually been paid.
16	* * *
16 17	* * * * §502.2. Suppliers
17	§502.2. Suppliers
17 18	§502.2. Suppliers No person, firm, or corporation shall be deemed <u>considered</u> a supplier for
17 18 19	§502.2. Suppliers No person, firm, or corporation shall be deemed <u>considered</u> a supplier for purposes of R.S. 8:502.1 unless it does all of the following:
17 18 19 20	§502.2. Suppliers No person, firm, or corporation shall be deemed <u>considered</u> a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * *
17 18 19 20 21	§502.2. Suppliers No person, firm, or corporation shall be deemed <u>considered</u> a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * * * (5) Submits evidence insuring that all personal property purchased through
 17 18 19 20 21 22 	 §502.2. Suppliers No person, firm, or corporation shall be deemed considered a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * * * (5) Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by said the supplier
 17 18 19 20 21 22 23 	 §502.2. Suppliers No person, firm, or corporation shall be deemed considered a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * * * (5) Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by said the supplier is insured for casualty, theft, or other loss normally assumed by a compensated
 17 18 19 20 21 22 23 24 	 §502.2. Suppliers No person, firm, or corporation shall be deemed considered a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * * * (5) Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by said the supplier is insured for casualty, theft, or other loss normally assumed by a compensated depositary and/or or bailee for hire.
 17 18 19 20 21 22 23 24 25 	 §502.2. Suppliers No person, firm, or corporation shall be deemed considered a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * * * (5) Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by said the supplier is insured for casualty, theft, or other loss normally assumed by a compensated depositary and/or or bailee for hire.
 17 18 19 20 21 22 23 24 25 26 	§502.2. Suppliers No person, firm, or corporation shall be deemed <u>considered</u> a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * * * * * * (5) Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by said the supplier is insured for casualty, theft, or other loss normally assumed by a compensated depositary and/or <u>or</u> bailee for hire. * * *
 17 18 19 20 21 22 23 24 25 26 27 	§502.2. Suppliers No person, firm, or corporation shall be deemed <u>considered</u> a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * *
 17 18 19 20 21 22 23 24 25 26 27 28 	\$502.2. Suppliers No person, firm, or corporation shall be deemed considered a supplier for purposes of R.S. 8:502.1 unless it does all of the following: * * * * * * (5) Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by said the supplier is insured for casualty, theft, or other loss normally assumed by a compensated depositary and/or or bailee for hire. * * * \$503. Withdrawals from trust A. The funds shall be held in trust both as to principal and income earned thereon, and shall remain intact, except that the costs of operation of the trust may

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1 until the death of the person for whose benefit the contract was made. Upon delivery 2 of the personal property or performance of the services, the cemetery authority or 3 other entity shall certify such delivery or performance to the trustee and the amount 4 of money plus income on deposit with trustee to the credit of that particular contract. 5 Upon such certification, or in case of death prior to such certification, and upon 6 submission of documentation as required by rules and regulations promulgated by 7 the board, the amount of money on deposit to the credit of each particular contract, 8 including principal and income earned thereon, shall be forthwith paid to the 9 cemetery authority or other entity. The trustee may rely upon all such certifications 10 herein required to be made pursuant to this Section and shall not be liable to anyone 11 for such reliance.

12 B. If for any reason a cemetery authority or other entity that has entered into 13 a contract for the sale of personal property or services and has made the deposit into 14 the trust fund as herein required in this Section to be made cannot or does not 15 provide the personal property or perform the services called for by the contract 16 within a reasonable time after request in writing to do so, the purchaser or his heirs 17 or assigns or duly authorized representative shall have the right to provide such 18 personal property or services, and, having done so, shall be entitled to receive the 19 deposit to the credit of that particular contract. Written instructions to the trustee by 20 the cemetery authority or other entity directing the trustee to refund the amount of 21 money on deposit, or an affidavit by either the purchaser or one of his heirs or 22 assigns or duly authorized representative, stating that the personal property or 23 services were not provided, shall be sufficient authority for the trustee to make 24 refund of the funds on deposit to the person submitting the affidavit. The trustee 25 shall not be held responsible for any such refunds made on account of the cemetery 26 authority's or other entity's written direction or an affidavit submitted in accord with 27 this section. However, nothing herein contained in this Section shall relieve 28 the cemetery authority or other entity from any liability for nonperformance of the 29 contract terms.

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1	C. If the cemetery authority or other entity cannot deliver the personal
2	property sold because of a national emergency, the provisions of Subsection B shall
3	be suspended for the duration of said the emergency and for fifteen days following
4	the termination thereof.
5	D. If the purchaser defaults in making payments, the cemetery authority or
6	other entity shall have the right to cancel the contract and to withdraw from the trust
7	fund the entire balance to the credit of the defaulting purchaser's account as
8	liquidating damages. In such event, the trustee shall deliver said the balance to the
9	cemetery authority or other entity upon its certification, and upon receiving said the
10	certification the trustee may rely thereon upon the certification and shall not be liable
11	to anyone for such reliance.
12	§504. Payments to purchaser; change of domicile
13	If after final payment a purchaser moves his domicile to a point that makes
14	delivery of the personal property or services impossible or impractical, the trustee
15	shall refund to the purchaser the principal amount of money on deposit to the credit
16	of that particular contract, less the income earned thereon, which shall be paid to the
17	seller.
18	§505. Annual reports by trustee;; final accounting by trustee required
19	A. Every year after August 15, 1997, the Annually, a trustee, within ninety
20	days after the close of the <u>a</u> cemetery authority's business year, shall file with the
21	board a financial report of the merchandise trust fund, setting forth the principal
22	thereof, the investments and payments made therefrom, and the income earned and
23	disbursed. The board may require the trustee to make such additional financial
24	reports as it deems reasonably advisable.
25	B. Within sixty days of the resignation of a trustee and transfer of the trust
26	fund to the successor trustee, the resigning trustee shall file with the board a financial
27	report of the merchandise trust fund, setting forth the principal thereof, the
28	investments and payments made therefrom, and the income earned and disbursed
29	from the last reporting period through the date of resignation and transfer of the trust
30	fund to the successor trustee.
31	* * *

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1	§505.2. Resignation of trustee; orderly transfer of trust fund
2	Whenever a trustee resigns, <u>all of</u> the following documentation must <u>shall</u>
3	be filed with the board to insure an orderly transfer of the trust fund from the
4	resigning trustee to the successor trustee:
5	* * *
6	(3) A written statement from the successor trustee, qualified under in
7	accordance with R.S. 8:454(B)(1), accepting the trust fund.
8	* * *
9	§506. Examination by board; expenses
10	* * *
11	B. The expense of the examination as provided herein in this Section shall
12	not exceed two hundred fifty dollars per day for each examiner engaged in the
13	examination, but when the examination requires more than two days, the cost shall
14	be paid by the cemetery authority or other entity in an amount not to exceed a total
15	of five hundred dollars, unless irregularities are found, in which case the cemetery
16	authority or other entity shall pay the full cost of the examination.
17	C. In making such examination, the board shall:
18	(1)(a) Have free access to the books and records relating to the merchandise
19	trust funds;, their collection and investment, and individual contracts for the sale of
20	personal property or services as described in this Chapter; said.
21	(b) Make the books and records shall be made available for examination in
22	the principal office of the cemetery authority, other entity, or trustee located within
23	the state of Louisiana.
24	* * *
25	§506.1. Failure to make required deposits; action
26	A. If any report filed with, or any examination made by, the board show
27	shows that the minimum amounts required have not been collected and deposited in
28	the merchandise trust fund, the board shall require the cemetery authority, or other
29	legal entity required to establish a merchandise trust fund, to immediately comply
30	with the requirements of this Title.
31	* * *

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1	§507. Nonwaiver of provisions of chapter <u>Chapter</u>
2	Any provision of any contract for the sale of personal property or the
3	performance of services herein contemplated in this Chapter which waives any of the
4	provisions of this Chapter 8 shall be void.
5	§508. Penalties
6	Any cemetery authority or other entity, as defined in this Chapter 8, failing
7	to make the required deposits to the trust fund or otherwise violating the provisions
8	of this Chapter 8 shall be guilty of a misdemeanor, punishable by fine of not less
9	than two hundred dollars or more than one thousand dollars, or by imprisonment of
10	not less than thirty days nor more than one year, or both, and each violation of this
11	Chapter 8 shall constitute a separate offense.
12	* * *
13	§601. Application of chapter Chapter
14	This chapter Chapter applies to all structures, including but not limited to
15	mausoleums, tombs, columbariums, niches, lawn crypts, and underground crypts
16	used, intended to be used, or converted or altered for use for the interment of the
17	remains of two or more persons, whether erected under, above, or partially below the
18	surface of the earth.
19	* * *
20	§604. Improper construction a nuisance; penalty
21	Every owner or builder of a structure erected or converted in violation of this
22	title <u>Title</u> shall be guilty of maintaining a public nuisance and, upon conviction, shall
23	be punishable by a fine of not less than five hundred dollars nor more than five
24	thousand dollars or by imprisonment for not less than one month nor more than six
25	months, or both.
26	§605. Construction in compliance with existing laws
27	The penalties of this chapter Chapter shall not apply as to any structure that
28	is in existence on July 31, 1974, which at the time of construction was constructed
29	in compliance with the laws then existing, provided its continued use is not in
30	violation of the laws for the protection of the public health.

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

3 4 A cemetery authority shall be required to commence construction B. 5 pursuant to the plans filed with the board within forty-eight months after the date of 6 the first sale of each section of the structure in which sales, contracts for sales, or 7 reservations for sales are being made, and the construction of each such section shall 8 be completed within five years after the date of the said first sale. However, 9 extensions not to exceed one year, may be granted by the board for reasonable cause. 10 Further extensions may be granted pursuant to Subsection C of this Section. If the 11 structure is not completed within the time specified herein in this Subsection, all 12 monies paid plus any monetary penalties assessed by the board shall be paid to the 13 purchasers, unless the cemetery authority delivers a completed interment space 14 acceptable to the purchaser in lieu of the interment space purchased. 15 16 §653. Opening graves; stealing body; receiving same 17 18 B. Whoever purchases or receives, except for interment or cremation, any 19 such dead body or any part thereof, knowing that the same has been removed in 20 violation of this section. Shall be punished by imprisonment for not more 21 than three years or by a fine of not more than one thousand dollars, or both. 22 23 §663. Collection, analysis, and reburial of exposed human skeletal remains * 24 25 B. This Section shall apply only to municipal cemeteries as defined in R.S. 26 8:1, and to cemeteries that do not currently hold a certificate of authority under in 27 accordance with this Title. 28 C. The words and phrases in this Section shall have the meanings given to 29 them in Chapter 10-A of this Title unless the context clearly indicates otherwise.

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1	D.
2	* * *
3	(2) Upon a failure or refusal of the cemetery authority to comply with a
4	demand made under in accordance to Paragraph (1) of this Subsection and with the
5	express written permission of the cemetery authority, the attorney general or students
6	and instructors of institutions of higher education from the disciplines of
7	anthropology, archaeology, biology, and mortuary science may undertake the
8	systematic collection of human skeletal remains and burial items that are exposed to
9	the surface and are at risk of being looted from cemeteries within the state.
10	* * *
11	(4) The attorney general may collect the exposed human skeletal remains or
12	may delegate that authority to a qualified party under pursuant to this Subsection.
13	E. The following procedures and protocols shall be followed in undertaking
14	any collection program under as provided in this Section:
15	(1) Prior to any collection activity notification, proof of compliance with this
16	Section shall be provided to the Louisiana Cemetery Board, the Louisiana Division
17	of Archaeology Department of Culture, Recreation and Tourism, division of
18	archaeology, and the attorney general, in writing.
19	* * *
20	F. The following protocols shall be the responsibility of the cemetery
21	authority:
22	* * *
23	(3) In the event that no cemetery authority is identifiable, such human
24	skeletal remains shall be curated by the collecting entity in a manner that conforms
25	to the Louisiana Division of Archaeology Department of Culture, Recreation and
26	Tourism, division of archaeology curation guidelines. Such human skeletal remains
27	may be re-interred in an unused portion of the subject cemetery pursuant to an order
28	of a court of competent jurisdiction.
29	G. There shall be no liability on the part of, and no action for damages
30	against, any of the following:
31	* * *

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1	(4) The Louisiana Cemetery Board, the Louisiana Division of Archaeology
2	Department of Culture, Recreation and Tourism, division of archaeology, and the
3	attorney general, and their agents or employees, shall not be liable in damages under
4	any law of the state or any political subdivision for their role in administering
5	portions of this Section.
6	* * *
7	§673. Definitions
8	As used in this Chapter, unless the context clearly indicates otherwise, the
9	following terms shall have the following meanings indicated unless the context
10	clearly indicates otherwise:
11	* * *
12	§676. Powers and duties of the secretary
13	A. The secretary shall have the following powers and duties:
14	* * *
15	(6) To issue permits for the disinterment and/or for the or scientific study of
16	human skeletal remains and burial artifacts found in unmarked burial sites. The
17	secretary may adopt rules and regulations to provide for the issuance of emergency
18	permits by the state archaeologist.
19	* * *
20	B. Civil damages, except for attorney fees, recovered by the secretary,
21	subject to applicable provisions of law, shall be used by the secretary to implement
22	and enforce this Chapter and to fund activities of the Department of Culture,
23	Recreation and Tourism, division of archaeology, in regard to restoration and
24	protection of burial sites, in accordance with regulations adopted by the secretary and
25	other applicable laws. Attorney fees shall be paid to the Louisiana Department of
26	Justice.
27	C. Provisional permits may be used by the Department of Culture,
28	Recreation and Tourism, division of archaeology, until rules and regulations
29	governing permitting are adopted.
30	* * *

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

3 A. Any person who has reason to believe he or she has discovered an 4 unmarked burial site or received human skeletal remains from an unmarked burial 5 site shall notify the law enforcement agency of the jurisdiction where the site or 6 remains are located within twenty-four hours of discovery. Any person who has 7 reason to believe he or she has discovered or received burial artifacts shall notify the 8 secretary through the Department of Culture, Recreation and Tourism, division of 9 archaeology, within seventy-two hours of the discovery. Failure to give notice as 10 required is a misdemeanor punishable by a fine of not less than one hundred dollars 11 nor more than one thousand dollars.

12 * *

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

20

21 §701. Application

22 This chapter <u>Chapter</u> applies to all undeveloped land of a cemetery authority 23 that is used, intended to be used, or converted into use for the interment of human 24 remains.

25 §702. Standards of construction

No undeveloped land shall be sold or otherwise disposed of for use for the
interment of human remains unless the person, cemetery authority, or other entity
that intends to sell or otherwise dispose of such land for such use has made
reasonable and adequate provisions for the installation of the necessary roadways,
walkways, drainage, embellishments, features, landscaping, and other facilities that

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1	will insure the completion of said the undeveloped land into the kind of cemetery
2	that is being or will be represented for sale to the buying public.
3	§703. Compliance with ordinances and specifications
4	The development of said the undeveloped land shall comply with the laws,
5	ordinances, building codes, and any and all other lawful requirements of the state,
6	parish, and municipality in which the said land is located.
7	§704. Improper use a nuisance; penalty
8	Every landowner who sells or otherwise disposes of or causes or permits the
9	sale or other disposition of undeveloped land for use for the interment of human
10	remains in violation of this section Section shall be guilty of maintaining a public
11	nuisance and, upon conviction, shall be punishable by fine of not less than five
12	hundred dollars nor more than five thousand dollars or by imprisonment for not less
13	than one month nor more than six months, or both.
14	§705. Construction in compliance with existing laws
15	The penalties of this title <u>Title</u> shall not apply as to any land that is being used
16	for the interment of human remains if the continued use of such land is not in
17	violation of the laws for the protection of public health.
18	* * *
19	§706. Commencement and completion requirements
20	* * *
21	C. Failure to commence and/or or complete development within the time
22	herein required in this Section shall be a misdemeanor punishable by fine of not less
23	than two hundred dollars nor more than one thousand dollars or by imprisonment of
24	not less than thirty days nor more than one year, or both.
25	§801. Recognized owner of title
26	The person or persons or entity in whose names the official title to a cemetery
27	space appears in the official records of a cemetery authority shall be treated as the
28	owner of said the space by the cemetery authority.

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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	* * *

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

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

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

20 §807. Co-owners; identification

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

When there are two or more owners of a cemetery space or right of interment, they may designate one or more persons, firms or corporations, trustees, or other entities to represent them and, upon filing written notice of designation with the

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1	cemetery authority, the cemetery authority in its discretion shall have the right to
2	deal with such representative unless the cemetery authority receives written
3	revocation of the designation executed by all of the co-owners or their heirs or legal
4	representatives.
5	§809. Waiver of right of interment
6	Any surviving spouse, parent, child, or heir having a right of interment in an
7	interment space may waive such right in favor of any other relative or spouse of a
8	relative of the deceased record owner. Upon such waiver, the remains of the person
9	in whose favor the waiver is made may be interred in the interment space.
10	* * *
11	§813. Correction of errors
12	A cemetery authority shall have the right to correct any and all errors that
13	may occur in or in connection with the operation of the cemetery, including without
14	limitation those involving or in connection with the making of an interment,
15	disinterment, or removal, or the description, transfer, granting the right of use, or
16	conveyance of a cemetery space, and in this connection, the cemetery authority shall
17	have the right to substitute, grant the right of use, or convey, in order to correct any
18	such errors, other interment rights, approximately equal in value and location as far
19	as feasible, as selected by said the authority; or, in the sole discretion of said the
20	authority, the correction of an error may be accomplished by the refunding of the
21	amount of money paid on account of the acquisition or use of a cemetery space. If
22	an error involves an interment, the cemetery authority shall have the right to remove
23	and transfer the remains that are involved.
24	§901. Unlawful to use, lease or sell for drilling, mining, or prospecting; penalty
25	A. It shall be unlawful to use, lease, or sell any tract of land which is platted,
26	laid out, or dedicated for cemetery purposes and in which human bodies are interred,
27	on any part of such tract, for the purpose of prospecting, drilling, or mining; provided
28	that the prohibition of leasing contained in this section Section shall not apply to any
29	oil, gas, or mineral lease that contains a stipulation forbidding drilling or mining

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1 operations upon that portion of the leased premises which is included within the 2 cemetery. 3 B. Whoever violates this section Section shall be fined not less than one 4 hundred dollars nor more than five hundred dollars, or be imprisoned for not less 5 than thirty days nor more than six months, or both, and each day during which drilling, mining, or prospecting is conducted or prosecuted shall be considered a 6 7 separate offense. 8 §902. Underground burials; depth 9 Any cemetery sexton or other person digging graves for underground 10 interments shall dig sufficiently deep to allow for at least two feet of soil to cover the 11 entire area of the casket, unless the said interment is in a burial vault, coping, or lawn 12 crypt. 13 §903. Maintenance of cemetery spaces more than fifty years old; sale of repaired 14 abandoned cemetery spaces 15 A. Cemetery authorities may renovate and repair but not demolish, at their 16 own cost and/or or in conjunction with any private, state, or federal grant or fund, 17 cemetery spaces within their cemeteries that are more than fifty years old and which 18 have deteriorated, when the record owner or his spouse or heirs have neglected to do 19 such renovation within one year after written notice mailed by registered or certified 20 mail to the last known address of the last record owner on the records of the 21 cemetery authority, the posting of notice on each of such cemetery spaces, and 22 advertising in the official journal of the parish or municipality notifying the owner 23 thereof that such renovation and repair will be made, unless the owner thereof 24 objects by written notice to the office of the cemetery authority before the end of the one year period. Upon failing to receive any objections, after due notice has been 25 26 given, the cemetery authority may proceed with the repairs or renovations with 27 impunity.

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

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

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

9 (1) In the event that the cemetery authority has no evidence of ownership or 10 interments in the vault and/or or wall vault in question, it may immediately make the 11 repairs, renovations, and maintenance and after same have been completed, publish 12 as part of a general notice in the official journal of the parish or municipality a notice 13 notifying all persons that if no one comes forward to the office of the cemetery 14 authority with written evidence of ownership of the vault and/or or wall vault in 15 question within sixty days of the date of publication then the cemetery authority shall 16 have the right to reclaim the ownership of the vault and/or or wall vault in question 17 and resell same.

18 (2) In the event that there is evidence of an interment or interments in the 19 vault and/or or wall vault in question, and the cemetery authority has no evidence of 20 ownership, the remains may be immediately removed and temporarily reinterred at 21 another location, and the cemetery authority shall then have the power to 22 immediately make the renovations, repairs, and maintenance necessary, and the same 23 notice procedure set forth in Paragraph (1) of this Subsection shall be followed, 24 except that all persons shall have six months to come forward to the office of the 25 cemetery authority and present written evidence of ownership in the vault and/or or 26 wall vault in question, and in the event that anyone fails to do so within the time 27 prescribed, then the vault and/or or wall vault may be reclaimed by the cemetery 28 authority and resold.

29 (3) In the event that records of the cemetery authority indicate that there is
30 a record owner of the vault and/or or wall vault in question, the remains, if any, may

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1 be immediately removed and temporarily reinterred at another location, and the 2 cemetery authority shall have the right and power to immediately make the necessary 3 renovations, repairs, and maintenance, then the cemetery authority shall attempt to 4 contact the owner by registered or certified mail at his last known address, and also 5 publish as part of a general notice in the official journal of the parish or municipality 6 in question a notice stating that in the event the owner or his heirs fail to come 7 forward to the office of the cemetery authority within six months of the date of the 8 notice and submit written proof of ownership, then the vault and/or or wall vault in 9 question may be reclaimed and resold by the cemetery authority.

10(4) In addition to the notifications called for in Paragraphs (1), (2), and (3)11hereinabove of this Subsection, the cemetery authority shall also post a common or12general sign or notice in a conspicuous place in the cemetery informing the public13of the above so that claimants may come forward in the manner prescribed herein in14this Section to assert their rights.

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

22 (6) After the renovations, repairs, and maintenance have been completed and 23 the prescribed time period has lapsed, and the cemetery authority has reclaimed the 24 ownership of the vault and/or or wall vault in question, then all of the remains 25 removed in accordance with the provisions of this Paragraph, shall be interred in a 26 common burial place, but the cemetery authority shall retain records, tablets, stones, 27 and other information regarding which vaults and/or or wall vaults same were removed from and the interments therein, and the names of the deceased persons in 28 29 question, if they are available.

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

5 (8) If a person comes forward to the cemetery authority within the time 6 periods prescribed in Paragraphs (1) through (3) hereof of this Subsection with 7 satisfactory written evidence of ownership or title to the vault and/or or wall vault 8 in question, the cemetery authority may require that they pay their he pay his pro rata 9 share, to be reasonably determined by the cemetery authority, of all actual costs and 10 expenses of repairs, renovations, and maintenance before the said vault and/or or 11 wall vault may thereafter be used by them him and their his title thereto confirmed. 12 If there is some other impediment or objection to reuse of the vault and/or or wall 13 vault in question, they must he shall still pay their pro rata share of all costs as set 14 forth hereinabove in this Section to confirm their his title to same, otherwise 15 ownership or title may be reclaimed by the cemetery authority and the space resold. 16 Under no circumstances shall the owner of the vault and/or or wall vault in question 17 be able to object to the repairs, renovations, and maintenance done or to be done if 18 it is necessary for the preservation of the section of vaults, and/or or wall vaults in 19 question, or the protection of the health and welfare of the general public.

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

22 §904. Speculative sales and purchases prohibited; penalties

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

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

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1	§905. Upkeep of cemeteries; local ordinance authorized; penalty; definition of
2	"shareholder"
3	* * *
4	C. As used in this Section, "shareholder" shall mean means any person who
5	owns a controlling share or a majority of the stock of the cemetery corporation.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____