

# ACT No. 450

2024 Regular Session

HOUSE BILL NO. 808

BY REPRESENTATIVES MIKE JOHNSON AND KNOX

1 AN ACT

2 To enact R.S. 8:908, relative to cemeteries; to regulate abandoned cemeteries; to provide for  
3 the abatement of public health hazards and safety risks; to provide for effectiveness;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 8:908 is hereby enacted to read as follows:

7 §908. Abatement of public health or safety risks in abandoned cemeteries

8 A. A governing body of a municipal or parochial government may authorize  
9 the use of that government's labor and resources to abate a public health or safety  
10 risk of an abandoned cemetery when the cemetery is located within the jurisdiction  
11 of the municipal or parochial government. The abatement of such risk shall take  
12 place at the sole and complete discretion of the governing body upon a majority vote  
13 finding that the conditions in the abandoned cemetery present a public health or  
14 safety risk and that such abatement constitutes a public purpose. For the purposes  
15 of this Section, "abandoned cemetery" has the meaning ascribed to it in R.S. 25:933.

16 B.(1) Nothing in this Section shall be interpreted to authorize either of the  
17 following:

18 (a) The disturbance of graves or the moving or removal of human remains.

19 (b) The moving or removal of any grave markers, whether temporary,  
20 perishable, or otherwise.

21 (2) In the event that exposed human remains are found during abatement  
22 activities, the municipal or parochial government or a volunteer who is undertaking

1           the abatement shall notify the appropriate state authorities in accordance with R.S.  
 2           8:680. A municipal or parochial government employee or volunteer shall notify the  
 3           board during the course of an abatement if the employee or volunteer finds that  
 4           burials are continuing to be made in an otherwise abandoned cemetery.

5           C. In the event of a declared disaster under R.S. 29:721 et seq., the parish  
 6           president or the chief elected official of a municipality, as appropriate based upon  
 7           a cemetery's location, may abate, pursuant and subject to R.S. 29:726.4, any public  
 8           safety risk or public health hazard in a public or private cemetery caused by the  
 9           declared disaster.

10          Section 2. This Act shall become effective upon signature by the governor or, if not  
 11 signed by the governor, upon expiration of the time for bills to become law without signature  
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 14 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_