

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Walsworth to Engrossed House Bill No. 771 by Representative Ritchie

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To amend and reenact" delete the remainder of the line in its
3 entirety and insert "R.S. 8:1(7) and (24), 203, 306(B), 456(B), and 505(B), relative to
4 cemeteries; to provide for definitions; to provide a procedure for removal of a dedication;
5 to"

6 AMENDMENT NO. 2

7 On page 1, line 3, change "such" to "cemetery"

8 AMENDMENT NO. 3

9 On page 1, line 6, delete "R.S. 8: 203, 456(B), and 505(B)" and insert "R.S. 8:1(7) and (24),
10 203, 306(B), 456(B), and 505(B)"

11 AMENDMENT NO. 4

12 On page 1, between lines 7 and 8, insert the following:

13 §1. Definitions

14 As used in this Title the following words and phrases, unless the
15 context otherwise clearly indicates, shall have the meaning hereinafter
16 ascribed to each:

17 * * *

18 (7) "Cemetery" means a place used or intended to be used for the
19 interment of the human dead. It includes a burial park, for earth interments;
20 or a mausoleum, for vault or crypt interments; or a columbarium, or
21 scattering garden, for cinerary interments; or a combination of one or more
22 of these. For purposes of R.S. 19:3, "cemetery" does not include a place
23 where no interred human remains are located at the time the plaintiff makes
24 its first offer to acquire the rights sought to be acquired.

25 * * *

26 (24) "Grave" means a space of ground in a cemetery, used or intended
27 to be used, for burial. For purposes of R.S. 19:3, "grave" and "graveyard" do
28 not include a place where no interred human remains are located at the time
29 the plaintiff makes its first offer to acquire the rights sought to be acquired.

30 * * *"

31 AMENDMENT NO. 5

32 On page 1, between lines 13 and 14, insert the following:

33 §306. Removal of dedication; procedure

34 * * *

35 B. Property dedicated to cemetery purposes shall be held and used
36 exclusively for cemetery purposes unless and until the dedication is removed

1 from all or any part of it by judgment of the district court of the parish in
2 which the property is situated in a proceeding either:

3 ~~(1) brought~~ Brought by the cemetery authority for ~~that~~ the purpose of
4 removal of the dedication and upon notice of hearing to the board, and by
5 publication as hereinafter provided, and proof satisfactory to the court:

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

9 ~~(2)~~ (b) That the portion of the property from which dedication is
10 sought to be removed is not being used for interment of human remains: ; or

11 (2) Brought by the expropriating authority, upon the filing of a
12 petition for expropriation pursuant to Title 19, for the purpose of removal of
13 the dedication and upon notice of hearing to the board, and by publication as
14 hereinafter provided, and proof satisfactory to the court:

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

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

20 * * *

21 AMENDMENT NO. 6

22 On page 2, after line 8, insert the following:

23 “Section 2. This Act shall become effective upon signature by the
24 governor or, if not signed by the governor, upon expiration of the time for
25 bills to become law without signature by the governor, as provided by Article
26 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor
27 and subsequently approved by the legislature, this Act shall become effective
28 the day following such approval.”