

2015 Regular Session

HOUSE BILL NO. 365

BY REPRESENTATIVE JONES

CEMETERIES: Provides relative to ownership of interment spaces in a cemetery in Franklin

1 AN ACT

2 To enact R.S. 8:308.1, relative to interment space in the city of Franklin; to provide relative
3 to ownership of interment spaces in a cemetery governed by the city governing
4 authority; to provide a procedure for clarifying ownership interests in interment
5 spaces under certain circumstances; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 8:308.1 is hereby enacted to read as follows:

11 §308.1. Franklin; interment space ownership

12 A. If the city of Franklin determines that the ownership of an unused
13 interment space in a cemetery it governs is ambiguous because the right to use the
14 space for interment may have been sold more than one hundred years previously, but
15 no record of such a sale is extant, the city may assume control of and sell the
16 interment space after diligent effort to locate possible current owners by a review of
17 the public records and the procedure established in Subsection B of this Section.

18 B. The city shall publish a public notice in its official journal, once a month
19 for twelve consecutive months, attempting to locate owners of any such spaces.

20 Such notice shall, at a minimum, provide each of the following:

1 (1) The identity of the interment spaces, either individually or by description
2 of the general area of the cemetery where multiple spaces are located.

3 (2) A statement explaining that the right of interment in such a space may
4 have been sold more than one hundred years previously, but the city has no record
5 of such a sale.

6 (3) An address where a person who can show an ownership interest in such
7 a space may present evidence of such ownership.

8 (4) A specific date after which the city assumes full ownership of any
9 unclaimed spaces and after which a previous owner has no right, title, or interest in
10 or to such a space.

11 C. After compliance with Subsection B of this Section, the city shall have
12 full ownership and control of any interment spaces referenced in the notices specified
13 in Subsection B of this Section, if no person files suit or otherwise presents sufficient
14 evidence of an ownership interest on or before the date specified in Paragraph (B)(4)
15 of this Section. However, if a person's claim of ownership is presented on a timely
16 basis but evidence is insufficient to justify a belief therein, the claim for which the
17 person may file suit is subject to a liberative prescription of one year from the date
18 specified in Paragraph (B)(4) of this Section. If the person does not timely file suit
19 as specified in this Subsection, the city may thereafter sell and convey such
20 interment spaces as provided by law.

DIGEST

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

HB 365 Reengrossed

2015 Regular Session

Jones

Abstract: Provides a process by which to clarify ambiguous ownership of interment spaces in a cemetery governed by the city of Franklin.

Proposed law, relative to a cemetery in Franklin, provides a procedure by which the city of Franklin may establish its ownership of unused interment spaces that may have been sold more than 100 years ago but for which there is no record of such a sale. If the city complies with the established procedures and no one shows evidence of ownership in such an interment space, proposed law provides that the city has ownership of the space and may sell it.

Proposed law requires the city of Franklin to publish a public notice in its official journal, once a month for 12 consecutive months, attempting to locate owners of such spaces. Such notice shall provide the following:

- (1) The identity of the interment spaces, either individually or by description of the general area of the cemetery where multiple spaces are located.
- (2) A statement explaining that the right of interment in such a space may have been sold more than 100 years previously, but the city has no record of such a sale.
- (3) An address where a person who can show an ownership interest in such a space may present evidence of such ownership.
- (4) A specific date after which the city will determine that it has full ownership of any unclaimed spaces and after which a previous owner will have no right to or interest in such a space.

Proposed law provides that a person may file suit to claim ownership of an interment space. Further provides that such claim for which a person may file suit is subject to a one-year liberative prescription from the date the city of Franklin assumes full ownership of the interment space.

Proposed law authorizes the city of Franklin to sell and convey interment spaces described in proposed law if no person files suit to claim ownership within one year from the date the city assumes full ownership.

(Adds R.S. 8:308.1)

Summary of Amendments Adopted by House

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

1. Clarify the provisions required in the notice to be published by the city of Franklin.
2. Clarify the provision relative to a person's right to file suit to claim ownership of an interment space. Provide that the ownership claim of an interment space for which a person may file suit is subject to a one-year liberative prescription from the date the city of Franklin assumes full ownership of the interment space.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.