

**ACT No. 73**

2015 Regular Session

HOUSE BILL NO. 365

BY REPRESENTATIVE JONES

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

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

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

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

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

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

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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: \_\_\_\_\_