

**ACT No. 574**

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  
3 (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B)(introductory  
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  
14 paragraph), 676(A)(6), (B), and (C), 680(A) and (C), 701 through 705, 706(C), 801,  
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)



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~~ in accordance with 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.

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~~ A 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.

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.



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~~ Title 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 \* \* \*

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

2 \* \* \*

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, curbing, 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  
26 authorized at the election.

27 \* \* \*

28 §105. Maximum tax; use of proceeds

29 The special election called in accordance with the provisions of R.S. 8:103  
30 and 104 may be for a sum not in excess of one mill on the dollar assessment on all





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

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.

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

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  
6 maintenance of all areas that fall under the heading of Public Cemetery. The  
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  
27 in the cemetery, ~~and~~;

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

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

3 \* \* \*

4 §302. Surveys and maps

5 A. Every cemetery authority from time to time as its property is developed  
6 for cemetery purposes shall, in the case of land, survey and subdivide it into sections,  
7 blocks, plots, avenues, walks, or other subdivisions, and make a good and substantial  
8 map or plat showing the sections, plots, avenues, walks, or other subdivisions, with  
9 descriptive names or numbers. In the case of a mausoleum or a columbarium, it shall  
10 make a good and substantial map or plat on which shall be delineated the sections,  
11 halls, rooms, corridors, elevations, and other divisions, with descriptive names or  
12 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.

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

25 \* \* \*

26 §303. Maps and plats; amendment

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



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 \* \* \*



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; ~~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;

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

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~~ 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



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.

17 \* \* \*

18 §454.1. Administration of trust funds; maintenance; exemption from seizure

19 A. The principal of the trust fund shall remain permanently intact and only  
20 the income therefrom shall be expended. The income shall be used solely for the  
21 care of those portions of the cemetery in which interment spaces have been sold with  
22 a provision for perpetual or endowed care. It is the intent of this Section that the  
23 income of ~~said~~ the fund shall be used solely for the care of interment spaces sold  
24 with a provision for perpetual or endowed care and for the care of other portions of  
25 the cemetery immediately surrounding ~~said~~ the spaces as may be necessary to  
26 preserve the beauty and dignity of the spaces sold. The fund or its income shall  
27 never be used for the development, improvement, or embellishment of unsold  
28 portions of the cemetery so as to relieve the cemetery authority of the ordinary cost  
29 incurred in preparing such property for sale.

30 \* \* \*



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.

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 Subparagraphs (a) and (b) ~~above~~ of this Paragraph.

25 \* \* \*

26 (2) An affidavit from the borrower that, to the best of ~~said~~ the 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 \* \* \*



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<sub>2</sub>; 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.

16 \* \* \*

17 B. Whenever the board finds, after notice and hearing, that any endowment  
 18 or perpetual care funds have been invested in violation of this ~~title~~ Title, it shall, by  
 19 written order mailed to the trustee and to the cemetery authority, require the  
 20 reinvestment of the funds in conformity with this ~~title~~ Title within the period  
 21 specified by it, which shall not be more than six months. Such period may be  
 22 extended by the board in its discretion.

23 C. The board may bring actions for the preservation and protection of  
 24 endowment or perpetual care funds in the district court of the parish in which the  
 25 cemetery is located, and the court may appoint a substitute trustee or trustees and  
 26 make any other order necessary for the preservation, protection<sub>2</sub> and recovery of  
 27 endowment or perpetual care funds whenever a cemetery authority or the trustee of  
 28 such funds has done any of the following:

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,~~ Title.

9 (4) ~~taken~~ Taken 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~~ Become 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~~ Become in danger of insolvency or has gone into bankruptcy or  
15 receivership; ~~or,~~ ,

16 (7) ~~taken~~ Taken any action in violation of this ~~title~~ Title 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 \* \* \*

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 \* \* \*

17 §502.2. Suppliers

18 No person, firm, or corporation shall be ~~deemed~~ considered a supplier for  
19 purposes of R.S. 8:502.1 unless it does all of the following:

20 \* \* \*

21 (5) Submits evidence insuring that all personal property purchased through  
22 a Louisiana cemetery authority or other entity and being stored by ~~said~~ the supplier  
23 is insured for casualty, theft, or other loss normally assumed by a compensated  
24 depository ~~and/or~~ or bailee for hire.

25 \* \* \*

26 §503. Withdrawals from trust

27 A. The funds shall be held in trust both as to principal and income earned  
28 ~~thereon~~, and shall remain intact, except that the costs of operation of the trust may  
29 be deducted from the income earned ~~thereon~~, until delivery of the personal property  
30 is made or the services are performed by the cemetery authority or other entity or

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~~ 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.



1 §505.2. Resignation of trustee; orderly transfer of trust fund

2 Whenever a trustee resigns, all of the following documentation ~~must~~ shall  
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; ~~2~~ 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, ~~2~~ 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 \* \* \*

1 §507. Nonwaiver of provisions of ~~chapter~~ Chapter

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~~ Title 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.

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

3 \* \* \*

4 B. A cemetery authority shall be required to commence construction  
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~~ 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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D.

\* \* \*

(2) Upon a failure or refusal of the cemetery authority to comply with a demand made ~~under~~ in accordance to Paragraph (1) of this Subsection and with the express written permission of the cemetery authority, the attorney general or students and instructors of institutions of higher education from the disciplines of anthropology, archaeology, biology, and mortuary science may undertake the systematic collection of human skeletal remains and burial items that are exposed to the surface and are at risk of being looted from cemeteries within the state.

\* \* \*

(4) The attorney general may collect the exposed human skeletal remains or may delegate that authority to a qualified party ~~under~~ pursuant to this Subsection.

E. The following procedures and protocols shall be followed in undertaking any collection program ~~under~~ as provided in this Section:

(1) Prior to any collection activity notification, proof of compliance with this Section shall be provided to the Louisiana Cemetery Board, the ~~Louisiana Division of Archaeology~~ Department of Culture, Recreation and Tourism, division of archaeology, and the attorney general, in writing.

\* \* \*

F. The following protocols shall be the responsibility of the cemetery authority:

\* \* \*

(3) In the event that no cemetery authority is identifiable, such human skeletal remains shall be curated by the collecting entity in a manner that conforms to the ~~Louisiana Division of Archaeology~~ Department of Culture, Recreation and Tourism, division of archaeology curation guidelines. Such human skeletal remains may be re-interred in an unused portion of the subject cemetery pursuant to an order of a court of competent jurisdiction.

G. There shall be no liability on the part of, and no action for damages against, any of the following:

\* \* \*

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<sub>2</sub>, 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<sub>2</sub>, until rules and regulations  
 29                   governing permitting are adopted.

30   \*           \*           \*



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~~ Title 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.



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

2 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

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

20 §807. Co-owners; identification

21 An affidavit by any informed but disinterested person having knowledge of  
 22 the facts setting forth the fact of the death of one co-owner and establishing the  
 23 identity of the surviving co-owner named in the deed to any cemetery space or right  
 24 of interment, when filed with the cemetery authority, shall constitute complete and  
 25 sufficient authorization to the cemetery authority to permit the use of one unoccupied  
 26 portion of ~~said~~ the space in accordance with the directions of the surviving co-owner.

27 §808. Co-owners may designate representative

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

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

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  
6 drilling, mining, or prospecting is conducted or prosecuted shall be considered a  
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  
25 one year period. Upon failing to receive any objections, after due notice has been  
26 given, the cemetery authority may proceed with the repairs or renovations with  
27 impunity.

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

31 \* \* \*



1 §903.1. Cemeteries; maintenance of vaults and wall vaults more than fifty years old;  
 2 reclamation by authority

3 A. Cemetery authorities of municipal, religious, and nonprofit cemeteries  
 4 may renovate, repair, ~~and/or~~ and maintain vaults ~~and/or~~ and wall vaults in question,  
 5 at their own cost ~~and/or~~ or in conjunction with any private, state, or federal grant or  
 6 fund, vaults ~~and/or~~ and wall vaults over fifty years old, or vaults ~~and/or~~ and wall  
 7 vaults located in cemeteries more than one hundred years old, which have  
 8 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

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)  
 11 ~~hereinabove~~ of this Subsection, the cemetery authority shall also post a common or  
 12 general sign or notice in a conspicuous place in the cemetery informing the public  
 13 of the above so that claimants may come forward in the manner prescribed herein in  
 14 this Section to assert their rights.

15 (5) Under no circumstances shall the cemetery authority be prevented from  
 16 doing repairs, renovations, and maintenance to vaults ~~and/or~~ or wall vaults if same  
 17 are necessary for the preservation of the section of vaults ~~and/or~~ or wall vaults in  
 18 question ~~and/or~~ or the beautification of the cemetery. If it becomes necessary to  
 19 remove remains therefrom, the cemetery authority shall have this right and power as  
 20 set forth above, but the remains ~~must~~ shall be kept separate until the herein  
 21 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  
 28 removed from and the interments therein, and the names of the deceased persons in  
 29 question, if they are available.

1           (7) Under no circumstances shall ~~any of the above~~ this Subsection be  
 2           construed ~~in such a fashion as~~ to prevent a cemetery authority from immediately  
 3           making repairs, renovations, ~~and/or~~ or maintenance of wall vaults in the event that  
 4           ~~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.

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

22           §904. Speculative sales and purchases prohibited; penalties

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

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

