

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 with respect to each of the following:

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

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

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

8           (4) Specify a date after which the city assume 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 if no  
13          person files suit or otherwise presents sufficient evidence of an ownership interest  
14          on or before the date specified in Paragraph (B)(4) of this Section after which all  
15          legal claims are preempted under law. If a claim of ownership is presented on a  
16          timely basis but evidence is insufficient to justify a belief therein, the person making  
17          such claim has one year from the date specified in Paragraph (B)(4) of this Section  
18          in which to file suit after which the claim is prescribed. The city may thereafter sell  
19          and convey such spaces as provided by law.

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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)]

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HB 365 Original

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 search the public records and 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:

- (1) Identify the interment spaces, either individually or by description of the general area of the cemetery where multiple spaces are located.
- (2) Include a statement 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) Indicate where a person who can show an ownership interest in such a space may present evidence of such ownership.
- (4) Specify a 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 precludes all future claims to such interment spaces after compliance with the process provided in proposed law.

(Adds R.S. 8:308.1)