

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____