

Regular Session, 2013

SENATE CONCURRENT RESOLUTION NO. 111

BY SENATOR DORSEY-COLOMB

CEMETERIES. Requests the Vital Records Registry to take certain actions and the attorney general to establish a board, all relative to rehabilitating Gilbert Memorial Park in Baton Rouge.

A CONCURRENT RESOLUTION

To urge and request the Vital Records Registry of the Office of Public Health of the Department of Health and Hospitals to take certain actions, and the attorney general to establish and provide for a board, all relating to rehabilitation of Gilbert Memorial Park in Baton Rouge.

WHEREAS, Gilbert Memorial Park is a cemetery located on Greenwell Springs Road in Baton Rouge that served the North Baton Rouge community since the early twentieth century under the Baranco family through the 1980s; and

WHEREAS, under the control of Lymus Washington, beginning in the late 1980s, Gilbert Memorial Park began to be mismanaged; and

WHEREAS, Louisiana law requires the keeping of interment records and accurate maps of interments for all operating cemeteries in the state under R.S. 8:662 and 314; and

WHEREAS, the Louisiana Cemetery Board and the attorney general have undertaken an investigation of Gilbert Memorial Park from 2007 through 2012 which has identified incomplete interment records for the cemetery from at least 1990 through the present; and

WHEREAS, the investigation led directly to the removal of Mr. Washington as the operator of Gilbert Memorial Park by injunction in 2012 and the institution of a receivership for the cemetery by court order under the direction of People Achieving Community

1 Empowerment, Inc., in 2013, to administer, manage, and oversee all affairs of the cemetery;
2 and

3 WHEREAS, the lack of records kept by Mr. Washington during his tenure as the
4 operator of Gilbert Memorial Park has left many descendants with no information regarding
5 the final resting place of their loved ones; and

6 WHEREAS, the final resting places of anyone interred in Louisiana is required,
7 under R.S. 40:52 and La. Admin Code. tit. 48, pt. V, §12311, to be recorded on a burial
8 transit permit which is lodged and filed with the Vital Records Registry of the Office of
9 Public Health of the Department of Health and Hospitals; and

10 WHEREAS, many Louisiana death certificates, under R.S. 40:49 and La. Admin
11 Code. tit. 48, pt. V, §12307, issued by the Vital Records Registry of the Office of Public
12 Health of the Department of Health and Hospitals indicate the final resting place of the
13 deceased; and

14 WHEREAS, a compilation of such documents which indicate that Gilbert Memorial
15 Park is the final resting place of individuals will provide some measure of closure to many
16 descendants of those buried in that cemetery; and

17 WHEREAS, a compilation of such information will assist the receiver and any
18 subsequent operator of Gilbert Memorial Park in reconstructing the records of the cemetery;
19 and

20 WHEREAS, it is appropriate that a stone marker be constructed at the cemetery to
21 commemorate those interred there; and

22 WHEREAS, it is appropriate and necessary that the attorney general establish a
23 board to assist the receiver and any subsequent owner of the cemetery in constructing,
24 erecting, renovating, repairing, and maintaining the stone marker.

25 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
26 authorize and request the Vital Records Registry of the Office of Public Health of the
27 Department of Health and Hospitals to:

28 (1) Review its burial transit permit and death certificate records for any indication
29 of a deceased's interment in Gilbert Memorial Park in Baton Rouge.

30 (2) Compile a listing of all individuals whose burial transit permits or death

1 certificates indicate that such individuals were interred in Gilbert Memorial Park in Baton
2 Rouge and transmit such listing to the receiver or any subsequent operator of Gilbert
3 Memorial Park and to the Louisiana Cemetery Board by January 2, 2014.

4 BE IT FURTHER RESOLVED that the attorney general is hereby urged and
5 requested to establish the Lillian Jackson Memorial Board to aid in constructing, erecting,
6 renovating, repairing, and maintaining a stone marker at Gilbert Memorial Park to
7 commemorate those interred in that cemetery.

8 BE IT FURTHER RESOLVED that the attorney general should consider having the
9 board consist of the seven members as follows:

10 (1) A member of the Senate who represents the area which encompasses Gilbert
11 Memorial Park, or his designee.

12 (2) A member of the House of Representatives who represents the area which
13 encompasses Gilbert Memorial Park, or his designee.

14 (3) The East Baton Rouge Parish mayor-president, or his designee.

15 (4) A member of the East Baton Rouge Metropolitan Council who represents the area
16 which encompasses Gilbert Memorial Park, or his designee.

17 (5) One member of the clergy appointed by a majority vote of the board members
18 provided in (1) through (4) herein.

19 (6) One family member of a loved one buried in Gilbert Memorial Park appointed
20 by a majority vote of the board members provided in (1) through (4) herein.

21 (7) One at-large member to be elected by a majority vote of the board members
22 provided in (1) through (6) from a list of individuals nominated by the board members
23 provided in (1) through (4) herein.

24 BE IT FURTHER RESOLVED that the attorney general should consider that the
25 members of the board shall:

26 (1) Elect from among themselves a president and such other officers as they deem
27 appropriate with the terms and responsibilities of the officers being provided for in the
28 bylaws of the board.

29 (2) Serve without compensation and shall not receive reimbursement for expenses.

30 BE IT FURTHER RESOLVED that the attorney general should consider authorizing

1 the board to:

2 (1) Receive and expend funds related to its purpose.

3 (2) Enter into contracts with individuals or entities, private or public for the
4 engraving of names.

5 (3) Purchase items and supplies which the board deems instrumental to achieving the
6 purpose of the board.

7 (4) Perform or have performed any other function or activity necessary for the
8 achievement of the purpose of the board.

9 BE IT FURTHER RESOLVED that the state appointed receiver of Gilbert Memorial
10 Park may:

11 (1) Charge fees for services provided to construct, erect, renovate, repair, and
12 maintain a stone marker erected pursuant to this Resolution.

13 (2) Utilize labor by prisoners as the state's receiver for the construction and
14 maintenance of the stone marker in accordance with law.

15 (3) Utilize labor by prisoners for the general maintenance of Gilbert Memorial Park
16 in accordance with law.

17 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
18 attorney general, the secretary of the Department of Health and Hospitals, the registrar of
19 vital records, the East Baton Rouge Parish mayor-president, the East Baton Rouge
20 Metropolitan Council, and the Louisiana Cemetery Board.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michael Bell.

DIGEST

Dorsey-Colomb

SCR No. 111

Requests the Vital Records Registry of the Office of Public Health of the DHH to:

(1) Review its burial transit permit and death certificate records for any indication of a
deceased's interment in Gilbert Memorial Park in Baton Rouge.

(2) Compile a listing of all individuals whose burial transit permits or death certificates
indicate that such individuals were interred in the park and transmit such listing to
the receiver or any subsequent operator of the park and to the La. Cemetery Board
by 1/2/14.

Requests the attorney general to establish the Lillian Jackson Memorial Board to aid in
constructing, erecting, renovating, repairing, and maintaining a stone marker at the park to

commemorate those interred in that cemetery.

Provides that the attorney general should consider that the board consist of the seven members as follows:

- (1) A member of the Senate who represents the area which encompasses the park, or his designee.
- (2) A member of the House of Representatives who represents the area which encompasses the park, or his designee.
- (3) The East Baton Rouge Parish mayor-president, or his designee.
- (4) A member of the East Baton Rouge Metropolitan Council who represents the area which encompasses the park, or his designee.
- (5) One member of the clergy appointed by a majority vote of the board members provided in (1) through (4) herein.
- (6) One family member of a loved one buried in the park appointed by a majority vote of the board members provided in (1) through (4) herein.
- (7) One at-large member to be elected by a majority vote of the board members provided in (1) through (6) from a list of individuals nominated by the board members provided in (1) through (4) herein.

Provides that the attorney general should consider requiring that the members of the board:

- (1) Elect from among themselves a president and such other officers as they deem appropriate with the terms and responsibilities of the officers being provided for in the bylaws of the board.
- (2) Serve without compensation and shall not receive reimbursement for expenses.

Provides that the attorney general should consider authorizing the board to:

- (1) Receive and expend funds related to its purpose.
- (2) Enter into contracts with individuals or entities, private or public for the engraving of names.
- (3) Purchase items and supplies which the board deems instrumental to achieving the purpose of the board.
- (4) Perform or have performed any other function or activity necessary for the achievement of the purpose of the board.

Authorizes the state appointed receiver of the park to:

- (1) Charge fees for services provided to construct, erect, renovate, repair, and maintain a stone marker erected pursuant to this Resolution.
- (2) Utilize labor by prisoners as the state's receiver for the construction and maintenance of the stone marker in accordance with law.
- (3) Utilize labor by prisoners for the general maintenance of the park in accordance with law.