

1 maintenance of abandoned cemeteries, including, but not limited to,
2 lawn care, construction or repair of cemetery fences, placement of
3 cemetery lights and replacement of cemetery doors and locks, the
4 restoration of property damaged by acts of vandalism, and for the
5 repair or removal of monuments or other markers not owned by the
6 cemetery corporation that have fallen into disrepair or
7 dilapidation so as to create a dangerous condition.

8 (c) The fund is financed by:

9 (1) Fees by the cemetery corporations of not more than \$5 per
10 interment or cremation in a manner to be determined by rule of the
11 Cemetery Maintenance Board. No contributions may be collected upon
12 the interment of the remains of a deceased person where a
13 contribution was collected upon cremations; and

14 (2) Two percent of the gross sales proceeds or \$50, whichever
15 is greater, received from the sale of any burial right or lot and
16 not less than two percent of the gross sales proceeds from the sale
17 of any entombment right or columbarium right.

18 (d) All fees collected under this section are deposited in the
19 special account in the State Treasury known as the "Cemetery
20 Maintenance Fund." Expenditures from the fund are for the purposes
21 set forth in this section. The assets of the fund may be invested
22 and reinvested by the board in accordance with state law. If the
23 balance of the fund on December 31 of any year equals or exceeds
24 \$500,000, no more fees or taxes are to be taken from burial grounds

1 or incorporated cemeteries.

2 (e) The fund shall be administered by the Cemetery Maintenance
3 Board comprised of the Secretary of State, the Attorney General and
4 the Secretary of the Department of Health and Human Resources, or
5 their designees, who shall serve without additional compensation.

6 (f) The Cemetery Maintenance Board shall propose rules for
7 legislative approval in accordance with the provisions of article
8 three, chapter twenty-nine-a of this code defining when standards
9 of maintenance for lawn care, construction or repair of cemetery
10 fences, placement of cemetery lights and replacement of cemetery
11 doors and locks, the restoration of property damaged by acts of
12 vandalism, and for the repair or removal of monuments or other
13 markers not owned by the cemetery corporation that have fallen into
14 disrepair or dilapidation so as to create a dangerous condition.

15 (g) Nothing contained in this section gives a burial ground or
16 cemetery corporation an "insurable interest" in monuments or other
17 embellishments on a plot, lot or part thereof, nor is it meant to
18 imply that the cemetery corporation has any responsibility for
19 repairing vandalism damage not covered by this fund, nor for
20 repairing or removing out of repair or dilapidated monuments or
21 other markers not owned by the cemetery corporation, nor shall it
22 constitute the doing of an insurance business.

23 (h) The use of funds from the Cemetery Maintenance Fund on any
24 abandoned burial ground or cemetery is only triggered after that

1 burial ground or cemetery's private permanent endowment fund has
2 been exhausted.

3 (i) This section does not apply to any private or family
4 cemetery wherein lots or spaces are not offered for public sale or
5 to any cemetery which is owned and operated entirely and
6 exclusively by churches, religious societies, established fraternal
7 organizations, municipalities or other subdivisions of the state or
8 a national cemetery.

NOTE: The purpose of this bill is to create a fund and board which will oversee the upkeep and beautification of cemeteries which have been abandoned by private corporations or people.

This section is new; therefore, it has been completely underscored.