| 1 | CEMETERY AMENDMENTS |
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| 2 | 2014 GENERAL SESSION |
| 3 | STATE OF UTAH |
| 4 | Chief Sponsor: Scott K. Jenkins |
| 5 | House Sponsor: Ryan D. Wilcox |
| 6 7 | LONG TITLE |
| 8 | General Description: |
| 9 | This bill enacts language related to a cemetery. |
| 10 | Highlighted Provisions: |
| 11 | This bill: |
| 12 | amends provisions related to the recordation of a cemetery plat; |
| 13 | requires an executive officer or an individual owner of a cemetery: |
| 14 | • to provide a purchaser of a lot or burial right a certificate of a burial right $\hat{S} \rightarrow [and]$ |
| 15 | record that certificate] $\leftarrow \hat{S}$; and |
| 16 | to file with the county recorder a transcript of a deed, certificate of sale, or |
| 17 | evidence of burial rights; |
| 18 | requires a person that controls a cemetery to adopt certain policies and procedures |
| 19 | and establish a record keeping system; |
| 20 | amends provisions governing a cemetery maintenance district; and |
| 21 | makes technical and conforming amendments. |
| 22 | Money Appropriated in this Bill: |
| 23 | None |
| 24 | Other Special Clauses: |
| 25 | None |
| 26 | Utah Code Sections Affected: |
| 27 | AMENDS: |



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| | 8-3-1, as last amended by Laws of Utah 2010, Chapter 378 |
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| | 8-3-2, Utah Code Annotated 1953 |
| | 8-3-3, Utah Code Annotated 1953 |
| | 17B-2a-102, as enacted by Laws of Utah 2007, Chapter 329 |
| ENA | ACTS: |
| | 8-6-1, Utah Code Annotated 1953 |
| | 8-6-2, Utah Code Annotated 1953 |
| Be i | t enacted by the Legislature of the state of Utah: |
| | Section 1. Section 8-3-1 is amended to read: |
| | 8-3-1. Plats of cemeteries shall be recorded. |
| | [The executive officers of organizations and all individual owners in control of |
| cem | eteries] |
| | (1) An executive officer of an organization in control of a cemetery, including a |
| nun | icipality or a cemetery maintenance district, or an individual owner in control of a |
| em | etery, offering burial lots for sale in any county, shall file and cause to be recorded in the |
| offic | ee of the county recorder of the county within which [such cemeteries are] the respective |
| cem | etery is situated an accurate plat [thereof, which] of the cemetery. |
| | (2) The plat required under Subsection (1) shall clearly show: |
| | (a) the sections of burial lots which have been disposed of and the names of the |
| pers | ons owning or holding [the same,] each burial lot; and |
| | (b) the sections of burial lots held for disposal[; and thereafter such]. |
| | (3) An executive [officers or owners] officer or owner shall file additional plats of any |
| [add | itions to such cemeteries] addition to a cemetery before offering for sale any burial lots |
| [the | rein] located in the cemetery. |
| | (4) [County recorders] A county recorder may not collect any [fees] fee for filing and |
| reco | rding [such] an original [plats] plat required under this section. |
| | Section 2. Section 8-3-2 is amended to read: |
| | 8-3-2. Burial rights Certificates. |
| | [Every purchaser of a lot or burial right therein shall be furnished by such executive |
| offic | eers or individual owners |

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| 59 | $\hat{S} \rightarrow [\underline{H}] \leftarrow \hat{S}$ An executive officer of an organization in control of a cemetery, including a |
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| 60 | municipality or a cemetery maintenance district, or an individual owner in control of a |
| 51 | cemetery, shall provide each purchaser of a lot or burial right located in the cemetery with a |
| 52 | certificate of burial rights, properly executed[, and the same may be filed and recorded by the |
| 63 | county recorder of the county within which the cemetery is situated]. |
| 54 | $\hat{S} \rightarrow [\underline{(2)}$ An executive officer or individual owner described in Subsection (1) shall in |
| 65 | accordance with Section 8-3-3 file and record a certificate of burial rights with the county |
| 66 | recorder of the county within which the cometery is situated.] $\leftarrow \hat{S}$ |
| 67 | Section 3. Section 8-3-3 is amended to read: |
| 68 | 8-3-3. Transcripts to be filed for record. |
| 59 | [On the first days of January and July] |
| 70 | (1) No later than January 1 and July 1 of each year [such executive officers and |
| 71 | individual owners offering], the executive officer of an organization in control of a cemetery, |
| 72 | including a municipality or cemetery maintenance district, or an individual owner in control of |
| 73 | a cemetery with burial lots for sale, shall file with the county recorder of the county within |
| 74 | which the [cemeteries are] cemetery is situated a transcript, duly certified by [them] the |
| 75 | executive officer or individual owner, of [any and all deeds, certificates of sale or evidences] a |
| 76 | deed, certificate of sale, or evidence of burial rights issued by [them] the executive officer, |
| 77 | individual owner, or the officer's or owner's designee during the preceding six months. |
| 78 | (2) The county [recorders] recorder shall file [such abstracts] the transcript described in |
| 79 | Subsection (1) without charge $\hat{H} \rightarrow [$ and make any and all necessary notations upon the [plats of the |
| 80 | cemeteries theretofore filed with them] plat of the respective cemetery $\leftarrow \hat{H}$. |
| 31 | Section 4. Section 8-6-1 is enacted to read: |
| 32 | CHAPTER 6. POLICIES AND RECORDS |
| 33 | <u>8-6-1.</u> Title. |
| 84 | This chapter is known as "Policies and Records." |
| 35 | Section 5. Section 8-6-2 is enacted to read: |
| 36 | 8-6-2. Policies adopted and records kept. |
| 37 | A cemetery maintenance district, municipality, individual, or other person that controls |
| 88 | a cemetery shall: |
| 39 | (1) adopt policies and procedures for the regulation of its affairs and the conduct of its |

| 90 | business, including policies and procedures for the following: |
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| 91 | (a) setting of prices and other charges for services; |
| 92 | (b) sale of burial rights; |
| 93 | (c) regulation of headstones; |
| 94 | (d) care of headstones; |
| 95 | (e) regulation of flowers, shrubs, or other foliage placed or planted on an individual |
| 96 | burial site; and |
| 97 | (f) compliance with provisions of this title and other governing provisions of law; and |
| 98 | (2) establish a record keeping system, including a secure backup of those records that is |
| 99 | regularly updated. |
| 100 | Section 6. Section 17B-2a-102 is amended to read: |
| 101 | 17B-2a-102. Provisions applicable to cemetery maintenance districts. |
| 102 | (1) Each cemetery maintenance district is governed by and has the powers stated in: |
| 103 | |
| | (a) this part; and |
| 104 | (a) this part; and(b) Chapter 1, Provisions Applicable to All Local Districts. |
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| 104 | (b) Chapter 1, Provisions Applicable to All Local Districts. |
| 104 105 | (b) Chapter 1, Provisions Applicable to All Local Districts.(2) This part applies only to cemetery maintenance districts. |
| 104 105 106 | (b) Chapter 1, Provisions Applicable to All Local Districts.(2) This part applies only to cemetery maintenance districts.(3) A cemetery maintenance district is not subject to the provisions of any other part of |
| 104 105 106 107 | (b) Chapter 1, Provisions Applicable to All Local Districts.(2) This part applies only to cemetery maintenance districts.(3) A cemetery maintenance district is not subject to the provisions of any other part of this chapter. |
| 104 105 106 107 108 | (b) Chapter 1, Provisions Applicable to All Local Districts. (2) This part applies only to cemetery maintenance districts. (3) A cemetery maintenance district is not subject to the provisions of any other part of this chapter. (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All |

Legislative Review Note as of 1-16-14 9:44 AM

Office of Legislative Research and General Counsel