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CEMETERY AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill enacts language related to a cemetery.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the recordation of a cemetery plat;
- ▶ requires an executive officer or an individual owner of a cemetery:
 - to provide a purchaser of a lot or burial right a certificate of a burial right and record that certificate; and
 - to file with the county recorder a transcript of a deed, certificate of sale, or evidence of burial rights;
- ▶ requires a person that controls a cemetery to adopt certain policies and procedures and establish a record keeping system;
- ▶ amends provisions governing a cemetery maintenance district; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **8-3-1**, as last amended by Laws of Utah 2010, Chapter 378

29 **8-3-2**, Utah Code Annotated 1953

30 **8-3-3**, Utah Code Annotated 1953

31 **17B-2a-102**, as enacted by Laws of Utah 2007, Chapter 329

32 ENACTS:

33 **8-6-1**, Utah Code Annotated 1953

34 **8-6-2**, Utah Code Annotated 1953

36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **8-3-1** is amended to read:

38 **8-3-1. Plats of cemeteries shall be recorded.**

39 [~~The executive officers of organizations and all individual owners in control of~~
40 ~~cemeteries]~~

41 (1) An executive officer of an organization in control of a cemetery, including a
42 municipality or a cemetery maintenance district, or an individual owner in control of a
43 cemetery, offering burial lots for sale in any county, shall file and cause to be recorded in the
44 office of the county recorder of the county within which [~~such cemeteries are~~] the respective
45 cemetery is situated an accurate plat [~~thereof, which~~] of the cemetery.

46 (2) The plat required under Subsection (1) shall clearly show:

47 (a) the sections of burial lots which have been disposed of and the names of the
48 persons owning or holding [~~the same;~~] each burial lot; and

49 (b) the sections of burial lots held for disposal[~~; and thereafter such~~].

50 (3) An executive [~~officers or owners~~] officer or owner shall file additional plats of any
51 [~~additions to such cemeteries~~] addition to a cemetery before offering for sale any burial lots
52 [~~therein~~] located in the cemetery.

53 (4) [~~County recorders~~] A county recorder may not collect any [~~fees~~] fee for filing and
54 recording [~~such~~] an original [~~plats~~] plat required under this section.

55 Section 2. Section **8-3-2** is amended to read:

56 **8-3-2. Burial rights -- Certificates.**

57 [~~Every purchaser of a lot or burial right therein shall be furnished by such executive~~
58 ~~officers or individual owners]~~

59 (1) An executive officer of an organization in control of a cemetery, including a
 60 municipality or a cemetery maintenance district, or an individual owner in control of a
 61 cemetery, shall provide each purchaser of a lot or burial right located in the cemetery with a
 62 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].

64 (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 cemetery is situated.

67 Section 3. Section 8-3-3 is amended to read:

68 **8-3-3. Transcripts to be filed for record.**

69 ~~[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 and make any and all necessary notations upon the ~~[plats of the~~
 80 cemeteries theretofore filed with them] plat of the respective cemetery.

81 Section 4. Section 8-6-1 is enacted to read:

82 **CHAPTER 6. POLICIES AND RECORDS**

83 **8-6-1. Title.**

84 This chapter is known as "Policies and Records."

85 Section 5. Section 8-6-2 is enacted to read:

86 **8-6-2. Policies adopted and records kept.**

87 A cemetery maintenance district, municipality, individual, or other person that controls
 88 a cemetery shall:

89 (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:

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 (b) Chapter 1, Provisions Applicable to All Local Districts.

105 (2) This part applies only to cemetery maintenance districts.

106 (3) A cemetery maintenance district is not subject to the provisions of any other part of
107 this chapter.

108 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
109 Local Districts, and a provision in this part, the provision in this part governs.

110 (5) A cemetery maintenance district shall comply with the applicable provisions of
111 Title 8, Cemeteries.

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

Office of Legislative Research and General Counsel