



January 17, 2020

HOUSE BILL No. 1090

DIGEST OF HB 1090 (Updated January 16, 2020 10:26 am - DI 129)

Citations Affected: IC 23-14.

Synopsis: Maintenance of cemeteries on private property. Requires a property owner that has a cemetery located on the owner's property to maintain the cemetery. Provides that if a property owner cannot be located: (1) the township shall maintain the cemetery; or (2) if the township does not have the appropriated funds to maintain the cemetery, the county may maintain the cemetery.

Effective: July 1, 2020.

Cook, Bacon, Davisson, Schaibley

January 7, 2020, read first time and referred to Committee on Local Government.
January 16, 2020, amended, reported — Do Pass.

HB 1090—LS 6628/DI 137



January 17, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1090

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-14-68-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **Except as provided**
3 **in IC 23-14-78**, the trustee of each township shall locate and maintain
4 all the cemeteries described in section 1(a) of this chapter that are
5 within the township. However, a cemetery association claiming
6 assistance under this chapter shall furnish a verified statement of assets
7 and liabilities to the township trustee.

8 SECTION 2. IC 23-14-78 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2020]:

11 **Chapter 78. Maintenance of Cemeteries on Private Property**
12 **Sec. 1. This chapter applies to an owner of property that**
13 **contains a cemetery.**

14 **Sec. 2. As used in this chapter, "cemetery" means land in which**
15 **human remains are interred, entombed, or inurned. The term does**
16 **not include a cemetery that is subject to IC 23-14-33 through**
17 **IC 23-14-76.**

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1 **Sec. 3. A property owner shall maintain a cemetery that is**
2 **located on the owner's property.**
3 **Sec. 4. For purposes of this chapter, the maintenance of a**
4 **cemetery includes the following:**
5 **(1) Resetting and straightening all monuments.**
6 **(2) Leveling and seeding the ground.**
7 **(3) Constructing fences where there are none and repairing**
8 **existing fences.**
9 **(4) Destroying and cleaning up detrimental plants (as defined**
10 **in IC 15-16-8-1), noxious weeds, and rank vegetation.**
11 **(5) Mowing the lawn.**
12 **Sec. 5. (a) If the property owner of a cemetery cannot be located**
13 **upon reasonable inquiry, the township shall maintain the cemetery**
14 **under IC 23-14-68.**
15 **(b) If a township does not have sufficient funds appropriated**
16 **under IC 23-14-68-4 to maintain the cemetery as described in**
17 **subsection (a), the county may maintain the cemetery under**
18 **IC 23-14-67.**
19 **Sec. 6. Nothing in this chapter allows a property owner who is**
20 **maintaining a cemetery under this section to sell or furnish plots**
21 **(as defined in IC 23-14-33-25).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 13.

Page 2, line 14, delete "Sec. 6." and insert "**Sec. 5.**".

Page 2, line 21, delete "Sec. 7." and insert "**Sec. 6.**".

and when so amended that said bill do pass.

(Reference is to HB 1090 as introduced.)

ZENT

Committee Vote: yeas 12, nays 1.

