

2010 -- H 7858

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY - HISTORICAL CEMETERIES

Introduced By: Representatives D Caprio, M Rice, Pacheco, Sullivan, and Ehrhardt

Date Introduced: March 02, 2010

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-18-10.1, 23-18-11.2 and 23-18-13 of the General Laws in
2 Chapter 23-18 entitled "Cemeteries" are hereby amended to read as follows:

3 **23-18-10.1. Registering historical cemeteries.** -- In addition to the records and indexes
4 now required to be maintained by every recorder of deeds in all cities and towns, the recorder of
5 deeds in every city and town shall ~~record with an appropriate symbol~~ maintain a register of all
6 historical cemeteries located within the city or town, ~~and shall register these historical cemeteries~~
7 ~~on an official tax plat or similar instrument used by that city or town to record all plats or parcels~~
8 ~~of land. The symbol shall be established by the Rhode Island cemeteries program. The tax~~
9 assessor of each city or town shall note the location of each historical cemetery so registered on
10 the appropriate tax assessor's map with a symbol consisting of the letters "CEM" inside a
11 rectangle.

12 **23-18-11.2. Regulation of excavation -- Removal and transfer of graves and**
13 **cemeteries -- Penalties.** -- (a) The city or town council of any municipality may by ordinance
14 prescribe standards, in addition to those required by section 23-18-10, regulating the excavation,
15 removal, and transfer of any graves, grave sites, and cemeteries in the municipality so as to
16 provide an accurate record of any activity and to insure that any remains removed are properly re-
17 interred and the location of the new interment is recorded. In the absence of a local ordinance
18 establishing standards, regulations adopted by the Historic Preservation and Heritage
19 Commission ~~Legislative Commission on Historical Cemeteries (Chapter 18.3 of this title), after~~

1 ~~providing an opportunity for interested parties to be heard~~, shall govern. A report of any grave
2 removal and relocation from one cemetery or burial ground to another shall be filed in the clerk's
3 office for each municipality and shall, to the extent permitted by law, be available for public
4 inspection. In instances where there is a headstone or other burial marker identifying the original
5 grave, the headstone or burial marker shall be erected on ~~the~~ site to which any remains are
6 transferred.

7 (b) To the extent not promulgated pursuant to section 23-3-5.1, the state registrar of vital
8 records shall promulgate regulations to establish a system of record-keeping to allow descendants
9 to locate their ancestors' graves in Rhode Island.

10 (c) Any person convicted of violating this section shall be subject to a fine of not more
11 than ~~two hundred fifty dollars (\$250)~~ one thousand dollars (\$100).

12 (d) The provisions of this section shall be considered to be in addition to any other
13 penalties provided for desecration or vandalism to cemeteries.

14 **23-18-13. Notification of state archaeologist.** -- The state archaeologist shall be notified
15 whenever an ancient burial place contains or is suspected to contain the remains of one or more
16 persons ~~American Indians~~.

17 SECTION 2. Sections 23-18.3-1, 23-18.3-2, 23-18.3-3 and 23-18.3-4 of the General
18 Laws in Chapter 23-18.3 entitled "Advisory Commission on Historical Cemeteries" are hereby
19 amended to read as follows:

20 **23-18.3-1. Establishment -- Purpose -- Membership -- Compensation.** -- (a) There is
21 created a permanent advisory commission to study the location, condition, and inventory of
22 historical cemeteries in Rhode Island and to make recommendations to the general assembly
23 relative to historical cemeteries in Rhode Island.

24 (b) The commission shall consist of ~~fourteen (14)~~ seventeen (17) members all of whom
25 shall be citizens and residents of this state. One shall be the director of veterans' cemeteries or his
26 or her designee.

27 (c) One shall be the executive director of the Rhode Island historical preservation and
28 heritage commission or his or her designee.

29 (d) One shall be the director of the Rhode Island Historical Society or his or her
30 designee.

31 (e) One shall be a representative of the League of Cities and Towns to be appointed by
32 the governor. ~~who shall serve for one year.~~

33 (f) The governor, in consultation with and upon the recommendation of local historical
34 or preservation societies within each county, shall appoint ~~ten (10)~~ thirteen (13) members of the

1 general public consisting of two (2) representatives from ~~each Kent county County~~, two (2)
2 representatives from Bristol County, two (2) representatives from Newport County, three (3)
3 representatives from Washington County, and four (4) representatives from Providence County.
4 Beginning on September 1, 2009, one representative from Bristol County, one representative
5 from Newport County, one representative from Washington County, and one representatives from
6 Providence County shall be appointed to serve a one year term to expire August 31, 2010, one
7 representative from Kent County, one representative from Washington County, and one
8 representatives from Providence County shall be appointed to serve a two (2) year terms to expire
9 August 31, 2011, and one representative from Bristol County, one representative from Kent
10 Count, one representative from Newport County, one representative from Washington County,
11 and one representative from Providence County shall be appointed to serve three (3) year terms to
12 expire August 31,2012. Thereafter, each county representative shall be appointed for a three (3)
13 year term, county representatives shall serve until their successors are appointed. Vacancies shall
14 be filled by the authority making the original appointment.

15 (i) The members shall annually elect a chairperson a vice chairperson and a secretary.
16 The secretary need not be a member of the commission. ~~of the commission. Any vacancy shall be~~
17 ~~filled by the authority making the original appointment.~~ Members of the commission shall serve
18 without compensation.

19 **23-18.3-2. Quorum.** ~~-- Eleven (11)~~ A simple majority members of the commission shall
20 constitute a quorum for the transaction of any business. The speaker of the house shall make
21 available suitable quarters for commission meetings. Meetings may be called upon reasonable
22 notice by the chairperson.

23 **23-18.3-3. Rules and regulations.** ~~--~~ The commission shall adopt reasonable rules and
24 regulations in compliance with the open meetings law ~~governing its operations and procedure to~~
25 ~~carry out the purposes of this chapter.~~ to govern the conduct of its meetings and the
26 accomplishment of its purposes under this chapter.

27 **23-18.3-4. Commission report.** ~~--~~ Annually, the ~~The~~ commission shall report its findings
28 and recommendations to the general assembly ~~on or before January 15 of each year~~ to the
29 governor and to the historical Presentation and Heritage Commission.

30 SECTION 3. Chapter 34-11 of the General Laws entitled "Form and Effect of
31 Conveyances" is hereby amended by adding thereto the following section:

32 **34-11-1.5. Historical cemeteries.** ~~--~~ Every deed presented for recording a transfer in
33 ownership of property that has located on it a historical cemetery registered pursuant to section
34 23-18-10.1 shall have endorsed upon the deed, in capital letters, a notation that a historical

1 cemetery is located on the property. Failure to comply with this section shall not effect the
2 validity of any deed.

3 SECTION 4. Chapter 44-3 of the General Laws entitled "Property Subject to Taxation" is
4 hereby amended by adding thereto the following section:

5 **44-3-63. Historical cemeteries taxation.** – City and town councils are authorized to
6 provide by ordinance an abatement from taxation for any real property on which is located a
7 historical cemetery registered pursuant to section 23-18-10.1 and to provide by ordinance for full
8 or partial reimbursement of expenses incurred in repairing and maintaining such historical
9 cemeteries, including walls or fences surrounding such cemeteries.

10 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - HISTORICAL CEMETERIES

- 1 This act makes a number of changes in the law relating to the management, identification,
- 2 and taxation of historical cemeteries.
- 3 This act would take effect upon passage.

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