

1 **CEMETERY AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Scott K. Jenkins**

5 House Sponsor: Ryan D. Wilcox

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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; and
  - 15 • to file with the county recorder a transcript of a deed, certificate of sale, or
- 16 evidence of burial rights;
- 17 ▶ requires a person that controls a cemetery to adopt certain policies and procedures
- 18 and establish a record keeping system;
- 19 ▶ amends provisions governing a cemetery maintenance district; and
- 20 ▶ makes technical and conforming amendments.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **8-3-1**, as last amended by Laws of Utah 2010, Chapter 378

28 **8-3-2**, Utah Code Annotated 1953

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

30 **17B-2a-102**, as enacted by Laws of Utah 2007, Chapter 329

31 ENACTS:

32 **8-6-1**, Utah Code Annotated 1953

33 **8-6-2**, Utah Code Annotated 1953



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

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

37 **8-3-1. Plats of cemeteries shall be recorded.**

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

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

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

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

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

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

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

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

55 **8-3-2. Burial rights -- Certificates.**

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

58 An executive officer of an organization in control of a cemetery, including a  
59 municipality or a cemetery maintenance district, or an individual owner in control of a  
60 cemetery, shall provide each purchaser of a lot or burial right located in the cemetery with a  
61 certificate of burial rights, properly executed~~[, and the same may be filed and recorded by the~~  
62 ~~county recorder of the county within which the cemetery is situated].~~

63 Section 3. Section **8-3-3** is amended to read:

64 **8-3-3. Transcripts to be filed for record.**

65 ~~[On the first days of January and July]~~

66 (1) No later than January 1 and July 1 of each year ~~[such executive officers and~~  
67 ~~individual owners offering], the executive officer of an organization in control of a cemetery,~~  
68 including a municipality or cemetery maintenance district, or an individual owner in control of  
69 a cemetery with burial lots for sale, shall file with the county recorder of the county within  
70 which the ~~[cemetries are]~~ cemetery is situated a transcript, duly certified by ~~[them]~~ the  
71 executive officer or individual owner, of ~~[any and all deeds, certificates of sale or evidences]~~ a  
72 deed, certificate of sale, or evidence of burial rights issued by ~~[them]~~ the executive officer,  
73 individual owner, or the officer's or owner's designee during the preceding six months.

74 (2) The county ~~[recorders]~~ recorder shall file ~~[such abstracts]~~ the transcript described in  
75 Subsection (1) without charge ~~[and make any and all necessary notations upon the plats of the~~  
76 ~~cemetries theretofore filed with them].~~

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

78 **CHAPTER 6. POLICIES AND RECORDS**

79 **8-6-1. Title.**

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

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

82 **8-6-2. Policies adopted and records kept.**

83 A cemetery maintenance district, municipality, individual, or other person that controls  
84 a cemetery shall:

85 (1) adopt policies and procedures for the regulation of its affairs and the conduct of its

86 business, including policies and procedures for the following:

87 (a) setting of prices and other charges for services;

88 (b) sale of burial rights;

89 (c) regulation of headstones;

90 (d) care of headstones;

91 (e) regulation of flowers, shrubs, or other foliage placed or planted on an individual

92 burial site; and

93 (f) compliance with provisions of this title and other governing provisions of law; and

94 (2) establish a record keeping system, including a secure backup of those records that is

95 regularly updated.

96 Section 6. Section **17B-2a-102** is amended to read:

97 **17B-2a-102. Provisions applicable to cemetery maintenance districts.**

98 (1) Each cemetery maintenance district is governed by and has the powers stated in:

99 (a) this part; and

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

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

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

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

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