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## ACQUISITION OF ABANDONED CEMETERIES

**House Bill 5838**

**Sponsor: Rep. Judith Scranton**

**House Bill 5839**

**Sponsor: Rep. Andrew Richner**

**Committee: Regulatory Affairs**

**Complete to 5-19-98**

### **A SUMMARY OF HOUSE BILLS 5838 AND 5839 AS INTRODUCED 5-12-98**

Current law provides that a circuit court must order a cemetery to be vacated (remove the bodies) in whole or in part if a village or city determines by resolution that the cemetery has become commons, neglected or abandoned, become a public nuisance, impedes the growth of the city or village, or presents a public health danger. House Bill 5838 would amend Public Act 164 of 1871 (MCL 128.41 and 128.43) to allow cities and villages to either vacate a cemetery or, in the case of an abandoned cemetery, to acquire and maintain it. The bill would require the township to arrange for the long-term maintenance and upkeep of the cemetery. (Note: Though the bill references townships, the act applies to cities and villages. A separate act, Public Act 113 of 1995, exempts private cemeteries and cemeteries owned by villages and cities from the cemeteries that townships are required to maintain. The act also specifies that a township board may contribute to the care and maintenance of a cemetery owned by a city or village, and vice versa.) The bill would also update the act by deleting and rewriting archaic language.

House Bill 5839 would amend Public Act 297 of 1929 (MCL 128.51, 128.52, and 128.55), which provides for a city or village to petition a court to order a cemetery vacated if the cemetery impedes the establishment, maintenance, development or enhancement of a public improvement. Currently, the act requires, among other things, the city or village to contract with the board of directors or trustees of a cemetery association for the purchase of the cemetery and for proper removal and reinterment of the bodies. The bill would amend the act to add that in the case of an abandoned cemetery, the cemetery should be vacated or acquired and maintained by the city or village. If the city or village acquired a cemetery, the contract would have to specify that the village or city would maintain the cemetery. Further, the bill would delete a provision requiring that the contract be approved by a three-quarters vote of the stockholders of the cemetery association, and would update archaic language.

Analyst: S. Stutzky

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.