

HOUSE BILL No. 6060

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1931 PA 46, entitled

"An act to supplement the laws providing for the establishment, control, maintenance and care of public cemeteries by cities and townships within this state; to define the powers and duties of cemetery boards and other public officials invested by law with the management thereof; to provide for the termination and forfeiture of rights in certain unused burial spaces in such cemeteries; to prescribe and regulate the procedure with reference thereto; to authorize the resale of such spaces and to direct the investment and use of the funds received therefrom; and to repeal all acts or parts of acts inconsistent with the provisions hereof,"

by amending section 2 (MCL 128.12), as amended by 1989 PA 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. If the owner of a burial space in a ~~public~~ cemetery ~~7~~
2 ~~subject to the provisions of this act, fails and neglects for a~~
3 period of 7 years or more to care for and maintain the burial space
4 in accordance with ~~the laws, rules, and regulations~~ **ANY ORDINANCE**

1 **OR REGULATION** relating to the care and maintenance of burial
2 spaces, the cemetery board may institute proceedings for the
3 termination and forfeiture of the owner's rights and interest in
4 the burial space. If the cemetery board determines that the owner
5 has failed ~~or neglected~~ to care **FOR** and maintain the burial space,
6 the cemetery board shall adopt a resolution reciting this
7 determination. A certified copy of the resolution shall be served
8 on the owner personally ~~by a competent person~~ or shall be sent by
9 first-class mail to the owner's last-known address. If within 30
10 days after ~~the sending of the~~ resolution **IS SENT** the owner does not
11 comply or make provisions for complying with the ~~laws, rules, and~~
12 ~~regulations,~~ **APPLICABLE ORDINANCES AND REGULATIONS**, the cemetery
13 board may cause a petition to be filed in the circuit court for the
14 county in which the cemetery is located. The petition shall set
15 forth the facts relating to the sale and ownership of the burial
16 space ~~, AND~~ the owner's failure ~~and neglect~~ to comply with the
17 ~~laws, rules,~~ **ORDINANCES** and regulations for the care and
18 maintenance of the burial space. ~~, and shall ask for~~ **THE PETITION**
19 **SHALL REQUEST** the termination and forfeiture of the owner's rights
20 to the burial space. The petition shall be noticed for a hearing,
21 on a date not less than 40 days ~~from~~ **AFTER** the date of filing.
22 Within 15 days after filing, a copy of the petition with the
23 hearing notice shall be personally served on the owner or ~~copies of~~
24 ~~the petition shall be sent~~ by first-class mail to the last-known
25 address of the owner. ~~Notice~~ **IF THE HEARING IS HELD BEFORE JANUARY**
26 **1, 2015, NOTICE** of the hearing shall be published once each week
27 for 3 successive weeks in a newspaper of general circulation in the

1 county in which the cemetery is located, ~~The first notice shall~~
2 ~~be published~~ **WITH THE FIRST PUBLICATION** not less than 30 days
3 before the date of **THE** hearing. **IF THE HEARING IS HELD AFTER**
4 **DECEMBER 31, 2014, NOTICE OF THE HEARING SHALL BE GIVEN BY TIER A**
5 **PUBLIC NOTICE UNDER THE LOCAL GOVERNMENT PUBLIC NOTICE ACT. IF**
6 **PUBLICATION IS REQUIRED, THE FIRST PUBLICATION SHALL BE NOT MORE**
7 **THAN 30 DAYS AND NOT LESS THAN 14 DAYS BEFORE THE DATE OF THE**
8 **HEARING.** After the petition and notice have been served or sent, ~~it~~
9 ~~is the owner's duty to~~ **THE OWNER SHALL** appear and answer to the
10 allegations of the petition. If the owner fails to appear and
11 answer on the day noticed for hearing, the owner's default may be
12 entered in the manner provided for by law.

13 Enacting section 1. This amendatory act does not take effect
14 unless House Bill No. 5560 of the 97th Legislature is enacted into
15 law.