

# HOUSE BILL NO. 6363

November 12, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Government Operations.

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**  
 5 **or regulation** relating to the care and maintenance of burial  
 6 spaces, the cemetery board may institute proceedings for the  
 7 termination and forfeiture of the owner's rights and interest in  
 8 the burial space. If the cemetery board determines that the owner  
 9 has failed ~~or neglected~~ to care **for** and maintain the burial space,  
 10 the cemetery board shall adopt a resolution reciting this  
 11 determination. A certified copy of the resolution ~~shall~~ **must** be  
 12 served on the owner personally ~~by a competent person or shall~~ **must**  
 13 be sent by first-class mail to the owner's last-known address. If  
 14 within 30 days after ~~the sending of the resolution~~ **is sent** the  
 15 owner does not comply or make provisions for complying with the  
 16 ~~laws, rules, and regulations,~~ **applicable ordinances and**  
 17 **regulations,** the cemetery board may cause a petition to be filed in  
 18 the circuit court for the county in which the cemetery is located.  
 19 The petition ~~shall~~ **must** set forth the facts relating to the sale  
 20 and ownership of the burial space ~~7~~ **and** the owner's failure ~~and~~  
 21 ~~neglect~~ to comply with the ~~laws, rules,~~ **ordinances** and regulations  
 22 for the care and maintenance of the burial space. ~~7~~ **and shall ask**  
 23 ~~for~~ **The petition shall request** the termination and forfeiture of  
 24 the owner's rights to the burial space. The petition ~~shall~~ **must** be  
 25 noticed for a hearing, on a date not less than 40 days ~~from~~ **after**  
 26 the date of filing. Within 15 days after filing, a copy of the  
 27 petition with the hearing notice ~~shall~~ **must** be personally served on

1 the owner or ~~copies of the petition shall be~~ sent by first-class  
 2 mail to the last-known address of the owner. ~~Notice~~ **If the hearing**  
 3 **is held before January 1, 2022, notice** of the hearing ~~shall must~~ be  
 4 published once each week for 3 successive weeks in a newspaper of  
 5 general circulation in the county in which the cemetery is located,  
 6 ~~. The first notice shall be published with the first publication~~  
 7 not less than 30 days before the date of **the** hearing. **If the**  
 8 **hearing is held after December 31, 2021, not more than 30 days and**  
 9 **not less than 14 days before the date of the hearing notice of the**  
 10 **hearing may be given as set forth under the local government public**  
 11 **notice act.** After the petition and notice have been served or sent,  
 12 ~~it is the owner's duty to~~ **the owner shall** appear and answer to the  
 13 allegations of the petition. If the owner fails to appear and  
 14 answer on the day noticed for hearing, the owner's default may be  
 15 entered in the manner provided for by law.

16 Enacting section 1. This amendatory act does not take effect  
 17 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
 18 02449'19) of the 100th Legislature is enacted into law.