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FISCAL IMPACT REPORT

SPONSOR: Jennings DATE TYPED: 01/26/01 HB _____
 SHORT TITLE: Municipal Liability for Cemeteries SB 83
 ANALYST: Padilla

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
NFI					

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC files
 Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Bill 83 makes statutory changes to limit liability to municipalities or to cemetery boards when they acquire cemeteries which have no records.

Significant Issues

In cases where a cemetery board acquires a cemetery whose records do not exist, the board or the affected municipality could not be held liable for any liabilities of the prior owners.

FISCAL IMPLICATIONS

This bill contains no appropriation and has no fiscal impact.

ADMINISTRATIVE IMPLICATIONS

RLD notes that RLD's Financial Institutions' Division regulates only endowed care cemeteries. This bill would limit the liability of RLD's licensees who accept cemeteries with non-existent records. RLD notes that this would not affect the Financial Institution's Division or RLD's regulation of the licensee.

SUBSTANTIVE ISSUES

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The bill does not require any explanation or documentation of the loss or destruction of a cemetery's records. It is unclear whether the prior owner would retain any liabilities or if they would effectively escape from liability as a result of the transfer.

LP/ar