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FISCAL IMPACT REPORT

ORIGINAL DATE 02/07/11

SPONSOR Trujillo LAST UPDATED _____ HB 71

SHORT TITLE City Acquisition of Abandoned Cemeteries SB _____

ANALYST Hoffmann

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
NFI	NFI	n/a	None

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

No Response Received From

Department of Finance and Administration (DFA)

Department of Cultural Affairs (DCA)

New Mexico Environment Department (NMED)

Association of Counties

SUMMARY

Synopsis of Bill

House Bill 71 would provide municipalities the ability to acquire abandoned cemeteries by enacting a new section of Chapter 3, Article 40 NMSA 1978.

The bill defines the process that a municipality must use in order to acquire an abandoned cemetery such as due diligence to identify the owners, providing written notice to the owners of the cemetery along with publishing notice for three successive weeks in a newspaper of general circulation in the county in which the municipality is located.

An owner of a cemetery who receives notice of the municipality's intent to acquire the cemetery may object by providing written or oral notice to the municipality, and reasserting the owner's right of ownership over the abandoned cemetery or unoccupied lot or grave site within 14 days of the notice. Such an owner shall promptly conform to all municipal ordinances concerning the abandoned cemetery or unoccupied lot or grave site.

After title to an abandoned cemetery is vested with the municipality, the municipality would be required to maintain the title, continue using the cemetery land as a cemetery and maintain the characteristics of the cemetery.

FISCAL IMPLICATIONS

House Bill 71 makes no appropriation.

SIGNIFICANT ISSUES

The bill provides a definition of “abandoned cemetery” as “a cemetery in which the lots or grave sites have not been maintained for the previous ten years, except for maintenance rendered by the municipality in which the cemetery is located, and no burial has been made or lots sold in the previous forty years.”

ADMINISTRATIVE IMPLICATIONS

There are remotely possible unintended consequences of the bill that might place municipalities in the cemetery business. For example, family descendants of individuals buried in an acquired cemetery might wish to bury their dead in family plots located there. Also, individuals shopping for funeral plots might make an inquiry to the municipality of their rates.

JCH/bym