



**House
Legislative
Analysis
Section**

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PUBLIC BURIAL SPACE

House Bill 4342 (Substitute H-3)
First Analysis (10-29-87)

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Sponsor: Rep. Gary L. Randall
Committee: State Affairs

Mich. State Law Library

H.B. 4342 (10-29-87)

THE APPARENT PROBLEM:

The City of Alma has a substantial number of abandoned burial plots. Current statute allows the city to terminate owners' rights if owners don't maintain burial plots. However, procedures described by law require that a resolution notifying the owner of an abandoned plot be sent by registered mail, at a cost of \$4.52 each to the city. When there is no response from the owner within 30 days, a petition must be sent by registered mail (another \$4.52) to start termination procedures. If notices were sent by first class mail costs to the city would be twenty-two cents per resolution or forty-four cents total which would be a savings of \$8.62 per plot. Legislation has been proposed to allow local units to serve notice to negligent owners by first class mail instead of registered mail.

THE CONTENT OF THE BILL:

The bill would amend current law to provide that resolutions and petitions served on negligent owners of public burial spaces would be sent by first class mail instead of registered mail.

MCL 128.12

FISCAL IMPLICATIONS:

The House Fiscal Agency reports the bill would have no fiscal implications for the state. (10-28-87)

ARGUMENTS:

For:

The City of Alma has 396 abandoned burial plots. The bill will save the city well over \$3,000 in postage costs by allowing the city to send notices by first class mail instead of registered mail. Although \$3,000 may not seem like a lot of money, that amount could be a considerable portion of a small town's budget and would be better spent on other pressing problems. The bill will not only help Alma, but also other small towns in similar positions.

Against:

The bill would unfairly deny negligent owners their due process rights. First class mail may be misplaced or unnoticed; "no response" by an owner could be the result of one of these problems. Registered and certified mail ensure that owners are properly notified and have time to appropriately respond.

Response: The act contains several safeguards to ensure that negligent owners are treated fairly. For example, burial plots cannot be declared abandoned unless a period of seven years passes without activity on the plot. Further, negligent owners get a month to respond to resolutions sent by managers, and notices of hearings are published in newspapers for at least three weeks. Thus, owners are given several instances to respond and their rights are adequately protected by the law.

POSITIONS:

The Michigan Funeral Directors Association supports the bill. (10-27-87)