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## MAIL NOTICE TO END BURIAL PLOT RT.

House Bill 4065 as introduced  
First Analysis (3-20-89)

RECEIVED

MAY 23 1989

Sponsor: Rep. Gary L. Randall  
Committee: Towns and Counties

Mich. State Law Lib

### **THE APPARENT PROBLEM:**

Currently, if an owner of a burial plot in a public cemetery fails to take care of the plot for seven years, the cemetery board may begin procedures to end the owner's rights to the burial plot by adopting a resolution attesting to the owner's neglect and delivering a copy of the resolution to the owner personally or to the owner's last known address by registered mail. If an owner does not respond to a resolution within 30 days, the cemetery board can petition the circuit court asking that the owner's rights to the burial plot be terminated, and is required to personally serve a copy of the petition on the owner or send a copy by registered mail to the owner's last known address.

The city of Alma has a substantial number of abandoned burial plots, and the current requirement that at least two pieces of registered mail be sent to negligent burial plot owners constitutes a considerable burden to the city budget. The city has requested help with this problem, and legislation has been proposed which would 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 Public Act 46 of 1931, which regulates public cemeteries, to allow burial plot termination resolutions and petitions to be sent by first class mail, instead of registered mail, to negligent burial plot owners. (Cemetery boards would continue to be able to deliver such resolutions and petitions personally, if they so chose.)

MCL 128.12

### **FISCAL IMPLICATIONS:**

Fiscal information is not available, but the House Fiscal Agency reported that a similar bill introduced last session, would have no fiscal implications for the state. (10-28-87)

### **ARGUMENTS:**

#### **For:**

The city of Alma has 396 abandoned burial plots. It would cost the city \$4.52 to send each negligent owner a copy of the cemetery board resolution attesting to the owner's neglect, and another \$4.52 to send the petition seeking termination of the owner's rights. If notices were sent by first class mail costs to the city would be twenty-five cents per resolution or fifty cents total, which would be a savings of \$8.54 per plot. Thus the bill would save Alma 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 law already 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, neglectful owners are given several opportunities to respond to the possibility of the termination of their rights, and their rights are adequately protected by the law.

### **POSITIONS:**

The Michigan Association of Municipal Cemeteries supports the bill. (3-16-89)

The Michigan Municipal League strongly supports the bill. (3-16-89)

Michigan Townships Association supports the bill. (3-16-89)