

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4065

Sponsor: Representative Gary L. Randall

House Committee: Towns and Counties

Senate Committee: Local Government and Veterans

Date Completed: 4-17-89

**RATIONALE**

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. A copy of the petition, however, must be either served personally on the owner or sent by registered mail to the owner's last known address.

Some contend that requiring at least two pieces of registered mail to be sent to negligent burial plot owners can constitute a considerable financial burden to cities with a large number of abandoned burial plots and small budgets. It has been proposed, therefore, that local units be allowed to serve notice to negligent plot owners by first class mail instead of registered mail.

**CONTENT**

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 could continue to deliver such resolutions and petitions personally, if they so

chose.) Further, the bill would remove the provision that "other officials", as well as a cemetery board, can determine an owner's neglect.

MCL 128.12

**FISCAL IMPACT**

House Bill 4065 could result in a minor fiscal savings to local government by allowing required letters to be sent by first class, instead of registered mail. The bill would have no fiscal impact on State government.

**ARGUMENTS****Supporting Argument**

The city of Alma has 396 abandoned burial plots. Because of the registered mail requirement, it currently costs 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 25 cents per resolution and petition, which would be a savings of \$8.54 per plot, or a total savings of over \$3,300 in postage costs. Although \$3,300 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 would help not only Alma, but also other small towns in

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similar positions.

**Opposing Argument**

The bill would unfairly deny negligent owners their due process rights. Since first class mail is more likely than registered mail to be misplaced or ignored, plot owners notified only by first class mail would be more likely to lose their ownership rights through failure to respond to the notices. Registered mail ensures that owners are properly notified and have time to respond appropriately.

**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 cemetery boards, 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 would continue to be adequately protected by law.

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