



SENATE BILL 379: Cemeteries Located on State Property

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	March 30, 2015
Introduced by:	Sens. Bingham, McKissick	Prepared by:	R. Erika Churchill
Analysis of:	PCS to First Edition S379-CSST-13		Committee Counsel

SUMMARY: *Senate Bill 379 would establish a new section to require certain information about cemeteries on State lands, that requires the head of each State agency to identify and inventory all known cemeteries on State lands allocated to that agency, and provide that inventory listing to the State Property Office and the Department of Cultural Resources.*

CURRENT LAW: The laws concerning cemeteries are set out in Chapter 65 of the General Statutes. Article 1 requires counties to oversee rural public and abandoned cemeteries. Article 4 provides for the deposit of trust funds with the clerk of superior court for the maintenance and preservation of abandoned or neglected cemeteries. Article 5 specifies the conditions under which graves may be disinterred and relocated. Article 8 authorizes a municipality to take control of land within its corporate limits that has been used for cemetery purposes, when the owners have died or are unknown. Article 10 provides for access to and maintenance of abandoned or neglected cemeteries.

Additional laws governing archaeological resources, including graves and remains of past human lives are governed by Chapter 70 of the General Statutes.

Generally, human remains are not to be disinterred, except as provided for by law. Generally, family members may maintain graves located on property owned by another.

BILL ANALYSIS: Senate Bill 379 would establish a new Article 13 in Chapter 65, to govern cemeteries on State property. The head of each State agency would be required to identify and inventory all known cemeteries on State-owned property allocated to that agency, and provide that inventory listing to the State Property Office and the Department of Cultural Resources.

The Department of Cultural Resources, with the assistance of the State agencies, would be required to:

- Map, mark, and delineate all cemeteries on State property.
- Ensure, to the extent possible, that all cemetery boundaries on State property are clearly laid out, defined, and marked, and to take proper steps to preserve them from encroachment.

State agencies would not be required to provide State funds to maintain the cemeteries, above and beyond current law.

State agencies would be permitted to allow family members or other interested persons to maintain cemeteries, including erecting signs, fencing, grave markers, monuments, and tombstones with the designated boundaries of the cemetery, if such activity does not create a safety hazard to the public. Approval from the respective State agency and the Department of Cultural Resources would be necessary prior to any actions by the family member or interested person.

EFFECTIVE DATE: Effective when it becomes law.

O. Walker Reagan
Director



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