



HOUSE BILL 299: Perpetual Care of Certain Cemeteries.

2023-2024 General Assembly

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| Committee: | House State Government. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House | Date: | April 20, 2023 |
| Introduced by: | Reps. Penny, Wheatley | Prepared by: | Brad Krehely |
| Analysis of: | First Edition | | Committee Co-Counsel |

OVERVIEW: *House Bill 299 would authorize the North Carolina Cemetery Commission (Commission) to promulgate rules establishing minimum standards for the care and maintenance of cemeteries licensed by the Commission. The bill would also impose civil penalties for violations of those standards and would require annual financial reports to include details of the care and maintenance performed at cemeteries.*

CURRENT LAW: Article 9 of Chapter 65 of the General Statutes is the North Carolina Cemetery Act. It applies to all persons engaged in the business of operating a cemetery, except cemeteries owned and operated by governmental agencies or churches. The Commission has the power to adopt rules and regulations. It consists of 9 members, 2 appointed by the General Assembly and 7 appointed by the Governor. The Commission has authority to investigate complaints and may revoke or suspend a license for a period not exceeding two years for certain actions (e.g., failing to pay fees, failing to make reports, making false statements, violating this Article or a rule adopted by the Commission, etc.). If a licensee fails to maintain a cemetery and has caused the cemetery to become a public nuisance or safety hazard, the Commission may bring an action for injunctive relief against the licensee. The action is brought in the superior court of the county in which the cemetery or any part of the cemetery is located.

BILL ANALYSIS:

Section 1 would create a definition of "care and maintenance" in the North Carolina Cemetery Act.

Section 2 would provide that the Commission may promulgate rules establishing minimum standards for care and maintenance of cemeteries. Those rules would provide that if a licensee violates these standards, the Commission could impose a civil penalty of \$50.00 if the licensee does not pay within a period not greater than 30 days. Each day's violation would be a separate offense.

Before a penalty could be imposed, the Commission would be required to give the licensee at least 10 days' written notice. The notice would state the alleged violation of the minimum standards for care and maintenance and would give the licensee an opportunity to remedy the situation within 20-days following the issuance of the notice. The proceeds of civil penalties would be remitted to the Civil Penalty and Forfeiture Fund.

Section 3 would require annual financial reports to include details of the care and maintenance performed at cemeteries.

EFFECTIVE DATE: The act would be effective when it becomes law.

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