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HOUSE BILL NO. 1297

Offered January 22, 1996

A BILL to amend and reenact § 57-35.12 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 57-25.1, relating to cemeteries.

Patron—McEachin (By Request)

Referred to Committee on General Laws**Be it enacted by the General Assembly of Virginia:**

1. That § 57-35.12 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 57-25.1 as follows:

§ 57-25.1. Sale of Cemetery by county, city or town.

Any county city or town may sell a cemetery owned by it; however, any county, city or town which proposes to sell a cemetery owned by it, shall do so only after adequate provision has been made for the perpetual care of the cemetery and all graves and entombment rights therein.

§ 57-35.12. Exemptions.

A. The provisions of this article shall not apply to cemeteries owned and operated by a county, city or town or by a church or by a nonstock corporation not operated for profit if the corporation (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of official duties, (ii) does not sell or construct or directly or indirectly contract for the sale or construction of vaults or lawn, garden or mausoleum crypts and (iii) uses proceeds from the sale of all graves and entombment rights for the sole purpose of defraying the direct expenses of maintaining the cemetery.

The provisions of this article shall not be construed to prohibit a county, city or town from selling a cemetery owned by it; however, any county, city or town which proposes to sell a cemetery owned by it, shall do so only after adequate provision has been made for the perpetual care of the cemetery and all graves and entombment rights therein.

B. The provisions of this article shall not apply to any community cemetery not operated for profit if the cemetery (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of official duties, (ii) uses the proceeds from the sale of the graves and mausoleum spaces for the sole purpose of defraying the direct expenses of maintaining its facilities, and (iii) was chartered by the Commonwealth prior to 1850 A.D.

C. The provisions of this article regarding preneed burial contracts shall not apply to prearranged funeral plans entered into by licensees of the Board of Funeral Directors and Embalmers.

INTRODUCED

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