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**SENATE JOINT RESOLUTION NO. 319**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
(Proposed by the Senate Committee on Rules  
on February 3, 1997)

(Patron Prior to Substitute—Senator Marye)

*Requesting the Commission on Local Government, in cooperation with the Department of Agriculture and Consumer Services, the Virginia Municipal League, the Virginia Association of Counties, and the Virginia Cemetery Association to study local government issues related to the upkeep and maintenance of certain neglected or abandoned cemeteries.*

WHEREAS, several local governments in the Commonwealth have encountered situations in which cemeteries are not maintained to the satisfaction of adjacent landholders and the friends and families of those interred; and

WHEREAS, Chapter 3 of Title 57 of the Code of Virginia governs the administration of cemeteries within the Commonwealth, and specifies therein certain minimum requirements, particularly for burial sites sold with the representation that such burial sites will receive perpetual care; and

WHEREAS, in cases in which the owners of cemeteries do not adequately provide for maintenance, do not have the resources to provide adequate maintenance, and have few remaining burial sites to sell, some local governments and citizens have found inadequate recourse to enforce the laws pertaining to such cemeteries; and

WHEREAS, when cemeteries do not comply with such minimum provisions, are abandoned, or are poorly maintained, the local governments in which such cemeteries are located are frequently requested to assume upkeep and maintenance of such cemeteries; and

WHEREAS, some local governments have found that assuming uncompensated responsibility for abandoned or neglected cemeteries presents a burden on local taxpayers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commission on Local Government, in cooperation with the Department of Agriculture and Consumer Affairs, the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Cemetery Association be requested to study local government issues related to the upkeep and maintenance of certain neglected or abandoned cemeteries. The study shall consider (i) minimum standards for the upkeep and maintenance of cemeteries; (ii) the adequacy of perpetual care trust funds for upkeep and maintenance of cemeteries after all grave sites have been sold; and (iii) the effectiveness of consumer protection laws to ensure that local governments and the families of those interred in cemeteries have effective recourse if such cemeteries are not adequately maintained. The Commission shall not include in its study not-for-profit private cemeteries such as those owned or operated by descendants or families of those who are interred therein, churches, synagogues, religious sects, or benevolent associations.

All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

The Commission on Local Government shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.