

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB997

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Anderson

3. Committee: General Laws

4. Title: Proceedings for the removal and relocation of human remains

5. Summary: Strengthens the requirements for disinterment and relocation of human remains from a cemetery or graveyard by the landowner by requiring the institution of legal proceedings, heightened notice requirements to any heirs or descendants, and notice to the Department of Historic Resources and any local historical commission or organization.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See item 8, below.

8. Fiscal Implications: This bill strengthens the requirements for disinterment and relocation of human remains. Also, it requires notification to the Department of Historic Resources and requires DHR to make a determination on the historical significance of the graveyard. Additionally, it requires DHR to be considered as an interested party in court proceedings considering the abandonment of legally constituted cemeteries or family graveyards with historic significance. Currently, DHR only issues permits for archaeological work related to disinterment and relocation of human remains and is not required to be notified when relocation is not done by an archaeologist. DHR currently handles between four and six of these types of permit requests per year.

Any potential fiscal impact to DHR of this bill is dependent on two primary factors: the number of additional requests for permits and determinations of historical significance and the complexity of the requests. The total number of graveyards and projects impacted by this legislation is difficult to determine due to the size, age, and nature of the graveyards. Current law does not require the notification of DHR in all cases of relocating human remains. Also, there is not an accurate accounting of all of the family and church cemeteries across the state. As a result the total number of instances where this bill would require notification to DHR and a determination of historical significance are indeterminate. Given the unique nature of each site, it is difficult to estimate the complexity, and thus work required, for each request for determination of historic significance.

There will likely to be a fiscal impact on DHR as a result of this legislation. It is anticipated that this bill will result in an increased workload for the agency. At this point, it is uncertain

if the additional workload can be absorbed using currently available funding and resources. The agency has indicated that a moderate increase in current workload of four to six permits per year could be absorbed within current resources. However, any significant increase in workload would strain the agency's resources and require additional general fund support to meet the requirements of this bill. Given the uncertainties related the estimated number and scope of additional requests for determination of historical significance, the potential general fund support required cannot be accurately estimated and is indeterminate.

There may be a potential fiscal impact on the Virginia Department of Transportation (VDOT), involving delays to projects that run across unexpected graveyards which would trigger the requirements of this bill. However at this time, estimates of any fiscal impacts on VDOT are not available.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Historic Resources, Virginia Department of Transportation; and any state or local agency planning construction projects that will impact an abandoned cemetery or Indian burial ground; court system.

10. Technical Amendment Necessary: No

11. Other Comments: None.