

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 and Technology

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

5. Summary: Strengthens the requirements for disinterment and relocation of human remains from abandoned or neglected cemetery or graveyard by any county, city, town or other landowner. This bill requires a good faith effort on the part of a landowner to locate and identify interested parties prior to going forward with plans to disinter and relocate human remains. This requires, at a minimum, at least one notice in a local newspaper of general circulation, a notice posted at the site of the graveyard, and notice to and consultation with any historic preservation or other such commission, as well as area historical and genealogical societies, and at least one public hearing. The bill will also encourage landowners to post a notice on the Internet, including appropriate websites and through the use of social media as well as to consult with the Virginia Department of Historic Resources (DHR). As introduced, the bill would have required the institution of legal proceedings, heightened notice requirements to any heirs or descendants, and mandatory notice to the DHR and any local historical commission or organization. It would have also required DHR to issue a determination of historical significance for each graveyard.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: This bill modifies the requirements for disinterment and relocation of human remains. Also, encourages notification to and consultation with the Department of Historic Resources (DHR). Currently, DHR 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 the number of additional requests for consultation. The total number of graveyards and projects impacted by this legislation is difficult to determine due to the small size, age, and nature of the graveyards. Also, there is not an accurate accounting of all of the family and church cemeteries across the state. Current law does not require the notification of DHR in all cases of relocating human remains. The bill only encourages, and does not require, consultation with DHR on

disinterment and relocation of human remains. As a result, the total number of instances where this bill would result in a consultation with DHR is indeterminate. Given the unique nature of each site, it is difficult to estimate the complexity, and thus work required, for each request for consultation.

It is estimated that this bill will result in an increased workload for the agency. However, DHR anticipates that it would be able to absorb the additional workload using current resources and staff. As a result, there will likely no fiscal impact on DHR as a result of this legislation.

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.