

# HOUSE BILL No. 1422

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-14.

**Synopsis:** Cemetery preservation. Requires the board of commissioners of a county to appoint a county cemetery commission. Changes control of cemeteries from the township trustee to the county legislative body. Makes conforming amendments.

**Effective:** July 1, 1999.

---

---

## Duncan

---

---

January 12, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

---

---

C  
o  
p  
y



First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1422



A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-14-67-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter applies  
3 to cemeteries that:

- 4 (1) are without funds or sources of funds for reasonable  
5 maintenance;
- 6 (2) have suffered neglect and deterioration;
- 7 (3) may be the burial grounds for Indiana pioneer leaders or  
8 veterans of an American war, including the Revolutionary War;  
9 and
- 10 (4) were established ~~before 1850~~ **at least fifty (50) years before**  
11 **the current year.**

12 SECTION 2. IC 23-14-67-2 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The board of  
14 commissioners of a county ~~may~~ **shall** appoint a county cemetery  
15 commission consisting of five (5) residents of the county.

16 (b) The members of a county cemetery commission shall be  
17 appointed for a term of five (5) years. The board of county



C  
O  
P  
Y

1 commissioners shall stagger the terms of the members to permit the  
2 appointment or a reappointment of one (1) commission member per  
3 year.

4 SECTION 3. IC 23-14-68-2 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The **trustee of each**  
6 **township county legislative body** shall locate and maintain all the  
7 cemeteries described in section 1(a) of this chapter that are within the  
8 **township county**. However, a cemetery association claiming assistance  
9 under this chapter shall furnish a verified statement of assets and  
10 liabilities to the **township trustee county legislative body**.

11 SECTION 4. IC 23-14-68-4 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The **township**  
13 **county legislative body** shall appropriate enough money to provide for  
14 the care, repair, and maintenance of each cemetery described in section  
15 1(a) of this chapter that is located within the **township county**. Funds  
16 shall be appropriated under this subsection in the same manner as other  
17 **township county** appropriations.

18 (b) The **township county legislative body** may levy a **township**  
19 **county** cemetery tax to create a fund for maintenance of cemeteries  
20 under this chapter. If a fund has not been provided for maintenance of  
21 cemeteries under this chapter, part of the **township county general**  
22 fund may be used.

23 SECTION 5. IC 23-14-68-5 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A **township trustee**  
25 **member of a county legislative body** who fails to perform the **trustee's**  
26 **member's** duties under this chapter commits a Class C infraction.

27 SECTION 6. IC 23-14-69-1 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter applies  
29 to the following:

- 30 (1) A public cemetery that belongs to a **township county**.  
31 (2) An addition to a public cemetery that belongs to a **township**  
32 **county**.

33 SECTION 7. IC 23-14-69-2 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. This chapter does not  
35 apply to the following:

- 36 (1) A cemetery that is owned or controlled by a city, a town, or a  
37 voluntary association.  
38 (2) A cemetery that is maintained by a **township county** under  
39 IC 23-14-68.

40 SECTION 8. IC 23-14-69-3 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. A **township trustee**  
42 **county legislative body** shall care for and maintain each cemetery to

C  
O  
P  
Y



1 which this chapter applies that is located in the ~~township~~ **county**,  
 2 keeping the cemeteries in a respectable condition by:

- 3 (1) destroying detrimental plants (as defined in IC 15-3-4-1),  
 4 noxious weeds, and rank vegetation; and  
 5 (2) removing all unsightly accumulations and debris.

6 SECTION 9. IC 23-14-69-4 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The ~~township~~  
 8 ~~trustee may county legislative body~~ **shall** accept donations of land  
 9 suitable for a public cemetery if the ~~township trustee county legislative~~  
 10 ~~body~~ **considers** acceptance of the land to be in the best interests of the  
 11 ~~township county~~.

12 (b) Donated land shall be:

- 13 (1) conveyed to the ~~township~~ **county**;  
 14 (2) set apart by the ~~trustee county~~ for a public cemetery; and  
 15 (3) kept in good condition and repair by the ~~township trustee~~  
 16 ~~county~~.

17 SECTION 10. IC 23-14-69-5 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) If:

- 19 (1) no land suitable for a public cemetery is donated to a ~~township~~  
 20 ~~county~~; and  
 21 (2) if the ~~township county~~ legislative body adopts a resolution  
 22 approving the purchase;

23 the ~~township county~~ executive may purchase land for the purpose of  
 24 establishing a public cemetery.

25 (b) When land is purchased and conveyed to the ~~township county~~  
 26 under subsection (a), the land must be set apart, kept in repair, and  
 27 used as provided in section 6 of this chapter.

28 SECTION 11. IC 23-14-69-6 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. A public cemetery  
 30 of a ~~township county~~ may be used by the inhabitants of the ~~township~~  
 31 ~~county~~ for the interment of the dead. The ~~township trustee county~~ may  
 32 prescribe regulations governing the use of the cemetery.

33 SECTION 12. IC 23-14-69-7 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) When a ~~township~~  
 35 ~~county~~ acquires title to land by donation, purchase, or otherwise for a  
 36 public cemetery, the trustee of the township shall:

- 37 (1) lay out the land in lots with streets and walks;  
 38 (2) plat the land; and  
 39 (3) record the plat in the office of the recorder of the county.

40 (b) For recording a plat under subsection (a), the recorder shall  
 41 collect the same fees as are allowed for similar recordings.

42 (c) The lots laid out and platted under subsection (a) must be

C  
O  
P  
Y



1 numbered. A specific part of the lots must be:

2 (1) set apart; and

3 (2) designated on the plat;

4 for a potter's field.

5 (d) After the plat has been recorded, **the county legislative body**  
6 **shall notify the township trustee and** the township trustee shall  
7 appoint two (2) freeholders of the township to appraise and fix the  
8 value of all the lots on the plat, except the part assigned to the potter's  
9 field under subsection (c). The appraisal shall be filed with and  
10 preserved by the **county legislative body and the** township trustee.

11 SECTION 13. IC 23-14-69-8 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The ~~township~~  
13 **trustee county legislative body** may sell and convey the lots in a  
14 cemetery to which this chapter applies at a private sale to persons who  
15 desire to purchase them. The ~~trustee~~ **county legislative body** shall not  
16 sell a lot under this subsection at less than the value fixed for the lot  
17 under section 7 of this chapter.

18 (b) The proceeds of the sale of lots in a cemetery under subsection  
19 (a) shall be used to pay the expenses that the ~~township trustee~~ **county**  
20 may incur under this chapter for the cemetery. Any surplus shall be  
21 held as a fund for use in keeping the cemetery in repair.

22 (c) The ~~township trustee~~ **county legislative body** shall keep an  
23 accurate account of:

24 (1) the money received by the ~~township trustee~~ **county** for the  
25 purpose of keeping the cemetery in repair; and

26 (2) the sums that the ~~township trustee~~ **county** has paid out, and  
27 for which the ~~trustee~~ **county** has taken vouchers.

28 SECTION 14. IC 23-14-69-9 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. All expenses  
30 incurred by the ~~township trustee~~ **county** for administering this chapter  
31 shall be paid out of the ~~township fund of the township.~~ **county general**  
32 **fund.**

33 SECTION 15. [EFFECTIVE JULY 1, 1999] (a) **Title to cemetery**  
34 **property owned by a township on June 1, 1999, is transferred to**  
35 **the county in which the township is located on July 1, 1999. After**  
36 **June 30, 1999, a reference to a township as owner in a title to**  
37 **cemetery property must be construed as a reference to the county**  
38 **in which the township is located.**

39 (b) **This SECTION expires July 1, 2002.**

C  
O  
P  
Y

