

1 SENATE BILL NO. 275

2 INTRODUCED BY R. ZINKE

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO PUBLIC CEMETERIES;
 5 AUTHORIZING CEMETERY GROUNDS TO BE USED FOR ANOTHER PUBLIC PURPOSE WHEN CEMETERY
 6 GROUNDS ARE UNSUITABLE FOR THE INTERMENT OF BODIES; AND AMENDING SECTION 7-35-4102,
 7 MCA."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 11 **Section 1.** Section 7-35-4102, MCA, is amended to read:

12 **"7-35-4102. Vesting of title to cemetery grounds -- restrictions on use.** The title to lands used as
 13 a public cemetery or graveyard, situated in or near ~~to any city; or town; or village~~ and used by the inhabitants
 14 ~~thereof of the city or town~~ as a ~~burial-ground~~ burial ground continuously without interruption for 5 years, is vested
 15 in the inhabitants of ~~such the city; or town; or village~~. The lands must ~~not be used for any other purpose than~~ as
 16 a public cemetery, except: ~~that~~

17 (1) the bodies interred therein in the cemetery grounds may be removed and no other additional bodies
 18 may be interred therein in the cemetery grounds upon the order of the board of county commissioners, city
 19 council, or other body having authority when it appears that the public health is endangered or for any other good
 20 cause; ~~but a~~. A new cemetery must be purchased and laid out by proper authority and such the bodies removed
 21 and from the old cemetery must be interred therein in the new cemetery; ~~and the~~ The old cemetery may be sold
 22 and the proceeds applied to the purchase of the new cemetery.

23 (2) when a portion of the cemetery grounds are determined to be unsuitable for the interment of bodies,
 24 the unsuitable grounds may be used for another public purpose upon the order of the board of county
 25 commissioners, city council, or other body having authority."

26 - END -