

AMENDED IN ASSEMBLY MARCH 20, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1779

Introduced by Assembly Member Pescetti
*(Coauthors: Assembly Members Bates, Cox, Cunneen,
McClintock, Oller, and Zettel)*
(Coauthor: Senator Ortiz)

January 25, 2000

An act to add Chapter 4.5 (commencing with Section 8116) to Part 1 of Division 8 of the Health and Safety Code, relating to cemeteries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1779, as amended, Pescetti. Cemeteries.

Existing law regulates cemeteries, including public cemeteries. Existing law defines a public cemetery as a cemetery owned and operated by a city, county, city and county, or public cemetery district.

This bill would establish the California ~~Pioneer~~ *Historic* Cemetery Commission with a specified membership appointed ~~by the Governor as provided under the bill,~~ and *with* prescribed duties related to ~~pioneer~~ *historic* cemeteries. The bill would define a ~~pioneer historic~~ cemetery as ~~a public cemetery with six or more historic burial sites dating before January 1, 1901~~ *for purposes of this bill.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.5 (commencing with Section
2 8116) is added to Part 1 of Division 8 of the Health and
3 Safety Code, to read:

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CHAPTER 4.5. CALIFORNIA PIONEER CEMETERY
COMMISSION

8 8116. (a) The California ~~Pioneer~~ *Historic* Cemetery
9 Commission is hereby established.

10 (b) The commission shall consist of seven ~~members~~
11 ~~appointed by the Governor.~~ *members. Three members*
12 *shall be appointed by the Governor; two members shall*
13 *be appointed by the Senate Committee on Rules, and two*
14 *members shall be appointed by the Speaker of the*
15 *Assembly. The appointments shall be derived from a list*
16 *of nominations provided by local historical societies and*
17 *volunteer groups involved in the restoration and*
18 *maintenance of historic cemeteries.*

19 (c) Members shall hold office for a term of four years.
20 *Three appointments shall each be for initial terms of two*
21 *years and thereafter each of these three appointments*
22 *shall be renewed for a four-year term.*

23 (d) (1) Each member shall have knowledge and
24 background in cemetery maintenance and restoration or
25 background in service to a local historical society. ~~At~~

26 (2) *At least one member shall be as follows:*

27 (A) A representative of an organization of military
28 veterans. ~~At least one member shall be a~~

29 (B) A representative of an organization of the clergy.

30 (C) *A representative of a public cemetery district.*

31 (3) *At least one member shall be as follows:*

32 (A) *A resident in northern California, bordered on the*
33 *south by the Counties of Marin, Napa, Solano, Yolo,*
34 *Sacramento, Amador, and Alpine.*

35 (B) *A resident in central California, bordered on the*
36 *south by the Counties of Ventura, Kern, and Inyo.*

37 (C) *A resident of southern California.*



1 (4) *No member shall serve who owns or is employed*
2 *by a private cemetery or corporation of private*
3 *cemeteries.*

4 8116.1. (a) The commission shall meet at the times
5 and in the places that it may deem necessary to fulfill its
6 responsibilities. Four members of the commission shall
7 constitute a quorum.

8 (b) The commission shall elect annually from its
9 members a chairperson and vice-chairperson.

10 (c) The members shall serve without compensation.
11 However, each member of the commission shall be
12 reimbursed for travel expenses incurred in the
13 performance of the member's duties while serving on the
14 commission.

15 8116.2. The commission shall have all of the following
16 duties:

17 (a) Resolve issues regarding the jurisdiction of pioneer
18 cemeteries and establish responsibility for the care of
19 these cemeteries.

20 (b) Create and maintain a state registry of ~~pioneer~~
21 *historic* cemeteries. The registry information shall be
22 available on an Internet website accessible to the public.

23 (c) Explore opportunities to develop the Internet
24 website established pursuant to subdivision (b) into an
25 educational tool on California history and cemeteries.

26 (d) Provide guidance and support for local
27 organizations involved in—~~pioneer historic~~ cemetery
28 restoration, preservation, and protection.

29 (e) Make recommendations to the Legislature
30 regarding all of the following:

31 (1) Projects and funding to ~~restore—pioneer protect,~~
32 *preserve, and restore historic* cemeteries.

33 (2) How to clarify, unify, ~~and—strengthen~~ *strengthen,*
34 *and enforce* existing laws regarding ~~pioneer historic~~
35 cemeteries.

36 ~~(f) Whether to create~~

37 (3) *Create* a historical landmark program for ~~pioneer~~
38 *historic* cemeteries.

39 8116.3. For purposes of this chapter, ~~“pioneer~~
40 ~~cemetery” means a public cemetery with six or more~~



1 ~~burial sites dating before January 1, 1901.~~ *“historic*
2 *cemetery” means a cemetery containing the remains of*
3 *six or more human beings buried before January 1, 1931,*
4 *that is not a private cemetery licensed by the*
5 *Department of Consumer Affairs. A historic cemetery*
6 *shall include all cemeteries described in this section*
7 *without regard to the race, sex, color, or ethnic origin of*
8 *those interred at those cemeteries.*

