

Date of Hearing: June 23, 2026

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

SB 1312 (Richardson) – As Amended June 18, 2026

**NOTE:** This bill is double referred and if passed by this Committee will be re-referred to the Assembly Committee on Local Government.

**SENATE VOTE:** 38-0

**SUBJECT:** Cemeteries

**SUMMARY:** Establishes a process for an endowment care cemetery to be declared abandoned by, and have its title transferred to, a local government, which shall be responsible for ongoing care and management of the cemetery unless that responsibility is transferred to another entity.

**EXISTING LAW:**

- 1) Establishes the Cemetery and Funeral Act, which provides for the licensing and oversight of 14 professional categories within the death care industry. (Business and Professions Code (BPC) §§ 7600 *et seq.*)
- 2) Establishes the Cemetery and Funeral Bureau (Bureau) within the Department of Consumer Affairs (DCA) to administer and enforce the Cemetery and Funeral Act. (BPC § 7602)
- 3) Exempts religiously-affiliated cemeteries, public cemeteries, and private or fraternal burial parks not exceeding 10 acres in area and established prior to September 19, 1939 from the Bureau's licensing requirements. (BPC § 7612.2)
- 4) Requires each licensed cemetery authority file with the Bureau an annual written report with the following information:
  - a) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care by specific periods;
  - b) The amount collected and deposited in both the general and special endowment care funds segregated as to the amounts for crypts, niches, and grave space by specific periods as set forth either on the accrual or cash basis at the option of the cemetery authority;
  - c) A statement showing separately the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall actually show the financial condition of the funds;
  - d) A statement showing separately the location, description, and character of the investments in which the special endowment care funds are invested.

- e) A statement showing the transactions entered into between the corporation or any officer, employee, or stockholder thereof and the trustees of the endowment care funds with respect to those endowment care funds, including dates, amounts of the transactions, and a statement of the reasons for those transactions.

(BPC § 7612.6)

- 5) Requires cemetery authorities requesting a change of filing date of the endowment care fund report to file a petition with the Bureau prior to the close of the year. (BPC § 7612.7)
- 6) Requires the Bureau to conduct a study to obtain information to determine if the endowment care fund levels of each licensee's cemetery are sufficient to cover the cost of future maintenance. (BPC § 7612.11)
- 7) Required that the Bureau, on or before March 1, 2026, convene a workgroup composed of interested stakeholders including representatives from the cemetery industry, local government representatives, public cemeteries, and legislative staff, to discuss options for ensuring continued care, maintenance, and embellishment of abandoned cemeteries, including the possibility of requiring counties to assume responsibility for maintenance, irrigation, public works, and burial services for cemeteries located within their boundaries that become abandoned; required the Bureau to submit a report to the Legislature no later than June 1, 2026. (BPC § 7612.12)
- 8) Requires that 90 days following the cancellation, surrender, or revocation of a certificate of authority, the Bureau shall take title of any endowment care funds of the cemetery authority, take possession of all necessary books, records, property, and assets, and act as conservator over the management of the endowment care funds. (BPC § 7613.11)
- 9) Declares that upon finding by a court that a cemetery manager of a private cemetery has ceased to perform their duties due to a lapse, suspension, surrender, abandonment or revocation of their license, the court shall appoint a temporary manager to manage the cemetery property. (BPC § 7653.9)
- 10) Authorizes a cemetery authority to place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. (Health and Safety Code (HSC) § 8725)
- 11) Requires the principal of all funds for endowment care to be invested and the income only to be used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, bylaws, rules, and regulations or other actions or instruments of the cemetery authority and for no other purpose. (HSC § 8726)
- 12) Establishes minimum amounts which an endowment care cemetery must deposit into its endowment care fund at the time of, or not later than, completion of the initial sale of interment space in the cemetery. (HSC § 8738)
- 13) Authorizes a city or county that determines an abandoned cemetery threatens or endangers the health, safety, comfort, or welfare of the public to dedicate such abandoned cemetery as a pioneer memorial park and take over maintenance of the cemetery. (HSC §§ 8825 – 8829)

**THIS BILL:**

- 1) Authorizes a city, county, or city and county to, by resolution of its governing board, formally declare the abandonment of a cemetery if all of the following circumstances have occurred:
  - a) The certificate of authority of the cemetery has been canceled, surrendered, abandoned, or revoked for at least one year.
  - b) The Bureau has conserved the endowment care fund.
  - c) At least one of the following circumstances are met:
    - i) The Bureau has imposed citations or disciplinary actions for maintenance deficiencies or mismanagement of the endowment care fund of the cemetery.
    - ii) Local authorities have imposed citations or notices.
    - iii) Nonpayment of property taxes have resulted in a lien on the cemetery property.
    - iv) Local authorities have performed maintenance on the cemetery property to protect public health, safety, or welfare.
    - v) There has been limited access or no access to the cemetery property for families and visitors.
    - vi) The owner of the cemetery property has voluntarily abandoned the property.
  - d) Any of the following circumstances have occurred:
    - i) The cemetery has not made any sales for at least one year.
    - ii) There has not been any interments for at least one year.
    - iii) There is little to no remaining inventory or cemetery plots.
- 2) Requires written notice to be provided to the owner of the cemetery property 90 days prior to, and upon, declaration of abandonment, as specified.
- 3) Provides that the title of an abandoned endowment care cemetery shall transfer to the local government that declared the cemetery abandoned and shall be recorded with the county.
- 4) Requires the local government to keep a record of and honor all prior and outstanding contracts for burial entered into by the prior cemetery authority.
- 5) Exempts the local government from liability for any of the following:
  - a) Any debts, obligations, taxes, fines, or judgments of the previous owner, except as provided.

- b) Harm, loss, or damages for any actions performed by the prior owner of the cemetery property for a period of three years while the property is returned to a safe condition.
  - c) Failure to provide any missing paperwork or contracts.
- 6) Provides that a local government shall not be required to return the property to the prior owner of the cemetery property.
  - 7) Authorizes the local government to transfer the care and management of an abandoned endowment care cemetery to another licensed cemetery owner, which would have a period of five years to become compliant with the minimum maintenance standards.
  - 8) Authorizes the local government to transfer the care and management of an abandoned endowment care cemetery to a cemetery entity exempt from licensure, which would be required to keep a record of and honor all prior and outstanding contracts for burial entered into by the prior cemetery authority.
  - 9) Provides that if another licensed cemetery owner or cemetery exempt from licensure does not assume ownership of an abandoned endowment care cemetery, the local government shall have authority over the endowment care fund and shall be responsible for ongoing care, maintenance, and embellishment of the cemetery and performance of any prepaid burial obligations.
  - 10) Allows for the person or entity caring for and managing an abandoned endowment care cemetery to initiate a petition to form a public cemetery district or join an existing public cemetery district.
  - 11) Authorizes the endowment care fund of an abandoned endowment care cemetery to be disbursed to the person or entity caring for and managing the cemetery to conserve and protect the fund.
  - 12) Requires a court that determines that a required certificate of authority of a cemetery has lapsed or has been suspended, surrendered, abandoned, or revoked to do all of the following:
    - a) Name the Bureau conservator to conserve the endowment care and special care funds.
    - b) Take actions as it deems appropriate pursuant to relevant provisions of the Cemetery and Funeral Act.
    - c) Authorize interments for decedents who have a right of interment through a preneed contract.
    - d) Take actions as it deems appropriate to ensure the continued care, maintenance, and embellishment of the property.
    - e) Pursue the transfer of the entirety or portions of the property ownership to one or more nonprofit, business, or governmental entities.

- 13) Authorizes the Bureau to establish abbreviated requirements for the operation and maintenance of the property or portions of the property as it deems appropriate for its planned use and in recognition of the limited financial viability of the property.
- 14) Exempts the new owner to which a property is transferred and any individual serving as a temporary manager from liability for the debts, obligations, taxes, fines, or judgments of the previous owner.
- 15) Provides that the certificate of authority is abandoned if the court determines that for an extended and unreasonable period of time one or more of the following has occurred and that the health, safety, comfort, or welfare of the public is threatened or endangered:
  - a) Unresponsiveness to the public.
  - b) Inability of the community to access and visit the property.
  - c) Failure to perform authorized interments.
  - d) Nonpayment of property taxes.
  - e) Serious violation of the maintenance standards.
  - f) A city or county declaration of abandonment.
  - g) Unavailability of special care or endowment care funds.
- 16) Revises the timeline for a cemetery authority to file an annual written report to the Bureau regarding its properties under endowment care to require that written report to be filed every three or five years.
- 17) Strikes the limitation on the Bureau approving a petition to change the filing date of the endowment care fund report to no more than 12 months.
- 18) Expressly authorizes the Bureau to establish an advisory committee to assist it in engaging consumers and licensees in its regulatory activities.
- 19) Provides that if the Bureau establishes an advisory committee, the advisory committee shall include at least one member from each of the following groups:
  - a) Licensed representatives of the death care industry.
  - b) Members of the public.
  - c) Representatives of local governments.
- 20) Defines various terms for purposes of the bill.

**FISCAL EFFECT:** Pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:**

**Purpose.** This bill is sponsored by the author. According to the author:

This bill is very personal to my constituents and families in my district. Lincoln Memorial Park Cemetery in Carson City that was founded in 1934 has become abandoned by the owner and manager since 2023, due to health care issues. Since then the cemetery has been subject to vandalism, theft and desecration of burial plots. There are 187 private cemeteries in the State of California that are subject to abandonment. However, when cemeteries lose owners, they are without protection.

**Background.**

*Cemetery and Funeral Bureau.* The Bureau was established in 1995 when the previously distinct Cemetery Board and Board of Funeral Directors and Embalmers were merged into a consolidated program under the DCA. As a bureau under the DCA, the Bureau is charged with administering and enforcing the Cemetery and Funeral Act. A voluntarily established Advisory Committee, comprised of representatives of both the industry and the public, assists the Bureau in engaging consumers and licensees in its regulatory activities.

The Bureau oversees 14 different professional categories within the so-called “death care” industry, with approximately 11,315 licensees currently active with the Bureau. The Bureau’s licensing program includes funeral establishments and directors; embalmers and apprentice embalmers; cremated remains disposers, crematories, crematory managers, and hydrolysis facilities; cemetery managers, brokers, branches, and salespersons; and certain private, nonreligious cemeteries. Beginning in 2027, the Bureau will also license reduction facilities. The Bureau is additionally tasked with the fiduciary responsibility of overseeing more than three billion dollars in funds held and invested by funeral establishments and cemeteries, including endowment care funds and preneed trust funds.

The Bureau plays a vital role in protecting consumers from fraud, negligence, and other misconduct in the course of obtaining cemetery and funeral services, a time when consumers are frequently grieving and vulnerable to dishonest dealings. In its enforcement of the Cemetery and Funeral Act, the Bureau is authorized to inspect any premises in which the business of a funeral establishment, reduction facility, cemetery, or crematory is conducted; where embalming is practiced; or where human remains are stored. The Bureau is then empowered to take disciplinary action against a licensee for violations of the law. The Cemetery and Funeral Act declares that protection of the public shall be the Bureau’s highest priority.

It is important to note that the Bureau’s authority is exclusively over privately-owned cemeteries. Public cemeteries, those owned by religious corporations, and cemeteries established prior to 1939 with under 10 acres who do not collect an endowment care fund, are exempt from Bureau oversight. Of the hundreds, if not thousands, of cemeteries within the state of California, the Bureau only regulates 192 licensed cemeteries operated by private business owners, the majority of which are opened to the public for burials. For those cemeteries that are licensed, the Bureau is entrusted with ensuring that the remains of loved ones are treated with dignity and respect in perpetuity.

*Endowment Care Funds.* A licensed cemetery's endowment care fund is comprised of consumer deposits for each space sold within the cemetery, and the accumulated income generated on those deposits from investments. Investment decisions must be conservative and are limited under the Cemetery and Funeral Act. Only the accumulated income portion of the fund may be spent on the care, maintenance, and embellishment of the cemetery.

The Cemetery and Funeral Act authorizes Bureau oversight of an endowment care fund, including requirements regarding the number of days deposits must be made into the fund, proper and allowable investments, mandated annual independent audits of funds, and annual reporting to the Bureau. The Act also allows the Bureau to take possession of the fund and act as the conservator under certain conditions, including if there is probable cause to believe that irreparable loss and injury to the endowment care funds of a cemetery authority has occurred, or may occur, unless the Bureau takes immediate action. As part of reforms enacted in the Bureau's 2024 sunset bill, the Bureau was further granted authority to conserve an endowment care fund when a previously licensed cemetery becomes unlicensed due to abandonment, cancellation, surrender, or revocation of the license, and also authorized the Bureau to conserve the endowment care fund when a cemetery authority voluntarily surrenders the fund to the Bureau. According to the Bureau, some cemeteries have voluntarily surrendered their endowment care funds to the Bureau to avoid the annual audit costs as they transition to fewer employees and limited public access hours.

Each year, a cemetery authority must submit a written report with the Bureau that includes a detailed accounting of its endowment care activities and fund management. It must include the number of grave spaces, crypts, and niches sold under endowment care, the amounts collected and deposited into general and special endowment care funds, detailed statements of fund investments and financial condition, and disclosures of any transactions involving fund trustees and affiliated parties. The report must be verified by corporate officers and accompanied by an independent audit of the endowment and special care funds signed by a public accountant. This bill would revise the timeline for cemeteries to submit this report.

*Cemetery Abandonment.* Issue #8 in the Bureau's 2024 sunset review background paper discussed the topic of abandoned cemeteries and posed the question of what steps could be taken to ensure that older cemeteries are appropriately and respectfully maintained by another entity after they have been abandoned. This topic had been discussed during prior sunset reviews, when the Committees cited the example of a cemetery in Southern California where grave markers were allowed to become overgrown with dirt and grass and minimum maintenance standards were not met. In its response to this issue, the Bureau indicated that it would continue to work with all licensed cemeteries to ensure they are adhering to maintenance standards and practice a progressive discipline model if needed to bring them into compliance.

AB 180 (Bonilla, Chapter 395, Statutes of 2015) directed the Bureau to conduct a study to obtain information to determine if the endowment care levels of each cemetery the Bureau licenses are sufficient to cover the cost of future maintenance. The 2017 Endowment Care Sufficiency Study found that at least 43 licensed cemeteries have an underfunded endowment care fund with limited spaces to sell. The report concluded that, although endowment care cemeteries deposit at least the minimum amounts required by law, there is still a substantial statewide shortfall.

The report found that some cemeteries deposited more than the minimum amount required by law, but it was still found that statewide the costs of maintaining California's privately-owned cemeteries exceeded the income generated from the cemeteries' endowment care trusts. The study pointed out that for at least 21 of the licensed cemeteries, endowment care income appeared to be sufficient to cover the long-run costs of maintaining the endowment care spaces they have already sold, but for the large majority of licensed cemeteries, the endowment care income was not sufficient to cover the endowment care spaces they have already sold, and long-run sufficiency will require more significant trust growth.

There are two distinct drivers of the problem: older cemeteries have limited spaces remaining to sell and endowment funds are inadequate to perpetually maintain cemeteries that have since sold all available plots. Because these cemeteries are private businesses, properties that no longer generate revenue become abandoned if they cannot be sold, or they are abandoned following disciplinary measures by the Bureau, including revocation of a license. The result is an unlicensed, abandoned cemetery where the resting places of the dead are not treated with dignity.

A recent example of the devastation this situation can cause is the cancelation of the license and subsequent abandonment of Lincoln Memorial Park Cemetery in Carson, California, part of the author's district. In August 2023, the Bureau began receiving information from the public that the cemetery had closed its gates. Upon investigation, the Bureau confirmed that the cemetery was no longer being maintained by the cemetery manager and cemetery authority, who requested cancelation of their licenses. The community was devastated as public access for family members had been limited and there was no local entity to oversee new internments of loved ones who had passed away who had previously purchased a plot in the cemetery. Neither the City of Carson nor Los Angeles County were able to assist in providing ongoing care to the abandoned cemetery.

*Responsibility for Abandoned Cemeteries.* Currently, when a private cemetery that has not interred more than 10 human bodies in the preceding five years threatens or endangers the health, safety, comfort, or welfare of the public, statute allows (but does not require) a city or county to declare that cemetery abandoned. The abandoned cemetery is then declared a pioneer memorial park and is maintained by the city or county. This statute, however, only applied to those abandoned cemeteries that never collected endowment care funds—in other words, cemeteries established prior to 1939.

The Act only provides for two options for maintenance by a private cemetery by an entity other than the licensee. One statute authorizes a court to appoint a temporary licensed cemetery manager to manage the property and serve prepaid internments, or the county if there is no appointed temporary manager. The Bureau states that typically when a cemetery is within city limits, a county will not utilize this section and defer to the city (as occurred with Lincoln Memorial Park Cemetery). Statute additionally allows a city or county to perform maintenance within a cemetery when its license has been revoked, suspended, or not renewed. This law only applies to maintenance necessary to protect the health and safety of the public. In other words, while dry weeds creating a fire hazard would be addressed, the law does not provide for cosmetic upkeep to grounds and embellishments, which while not a matter of safety are important for communities whose families are interred in the cemetery.

In the above cases, local governments are not *required* to take action following the abandonment of a cemetery, but are merely *permitted* to under certain circumstances. The Bureau has pointed out that when a cemetery is proposed to be created, the local government in which it will be situated has to authorize and zone a parcel of land as cemetery property with approval to intern decedents. Local authorities are responsible for determining whether a piece of property within their communities will be dedicated as cemetery property, and local governments know that there is no guarantee a private cemetery business will remain active forever.

In its 2024 sunset review report, the Bureau suggested that the Legislature consider amending current statute to vest the responsibility of perpetual care with the jurisdiction that authorized the underlying use upon abandonment of a cemetery, contending that local governments—who initially permitted and zoned the private cemetery with full knowledge that they may eventually cease private operations—should ultimately be responsible for the cemetery’s perpetual care. Such a mandate, however, would conceivably create challenges with local governments who argue that a lack of resources would not allow them to successfully assume responsibility for all private cemeteries within their boundaries.

Recognizing that the importance of this issue necessitates a thorough discussion of all potential options, AB 3254 (Berman, Chapter 589, Stats. of 2024) required the Bureau, by July 1, 2027, to convene a workgroup comprised of representatives from the cemetery industry, county government, and other interested stakeholders to discuss options for ensuring continued care, maintenance, and embellishment of abandoned cemeteries, including the possibility of requiring counties to assume responsibility for cemeteries located within their boundaries that become abandoned. The Bureau was required to report on the workgroup’s discussions and recommendations no later than January 1, 2028 in advance of its next sunset review.

Arguing that the increasingly squalid condition of abandoned cemeteries in her district and throughout the state requires urgent action, the author of this bill introduced SB 777 in 2025 to address the issue of abandoned cemeteries. Initial iterations of the bill would have established a new process whereby local governments assume control of abandoned endowment care cemeteries, funded via a new grant program administered by the Bureau with money collected as part of an increase to every fee under the Bureau’s jurisdiction. SB 777 received significant opposition from cemetery stakeholders and representatives of local government, and committee analysis noted that it would be appropriate to allow the Bureau to complete its workgroup discussions and provide its recommendations on an accelerated timeline. SB 777 was subsequently amended to require the workgroup to convene no later than March 1, 2026, and to provide a summary of its discussions and its recommendations to the Legislature by June 2026.

The Bureau’s workgroup held an in-person meeting on January 21, 2026. During this meeting, members “noted a practical risk of counties assuming the responsibility of maintenance of abandoned cemeteries. If a county invests significant resources to maintain a neglected private cemetery, the property’s value may increase, allowing the private owner to sell and keep the benefit without reimbursing the county. This creates an illogical incentive for property owners to defer maintenance and shifts costs to the public.” According to the Bureau, the argument was made that “local governments are neither designed nor resourced to provide ongoing upkeep for privately owned property. Clear statutory direction is needed to avoid unintended fiscal burdens on counties and to ensure private owners remain accountable for maintenance obligations.”

The Bureau's workgroup identified three main areas of focus to aid in the continued care of abandoned cemeteries:

- Defining abandonment
- Title transfer to a new entity
- Ongoing funding for maintenance, access, and burials for those who have already purchased plots

The Bureau formally submitted its report to the Legislature on June 1, 2026. In the conclusion of its report, the Bureau acknowledged that “unlicensed and abandoned cemeteries present complex challenges requiring coordination and strong partnerships among the Bureau, local authorities, and communities statewide.” The Bureau's report included a number of recommendations, which were developed in coordination with its workgroup. In its conclusion, the Bureau recommended:

- Advancing prevention strategies in partnership with licensees, local governments, and the Legislature to reduce the risk of cemetery abandonment.
- Continuing to conserve and protect the endowment care trust funds and pursue legislative authority to allow income disbursement to qualified entities, such as non-profits.
- Revisions to the law to authorize local governmental entities to formally declare abandonment.
- Releasing the endowment care trust fund to the local authority if no licensee or nonprofit assumes ownership, making the local entity responsible for ongoing care and prepaid burial obligations.

This bill would now seek to implement the Bureau's recommendations. First, it would formally define an “abandoned endowment care cemetery” and establish a mechanism for a city, county, or city and county to declare an endowment care cemetery to be abandoned when specified conditions are met. Once a cemetery has been declared abandoned, the local government that made the declaration would be responsible for ongoing care, maintenance, and embellishment of the cemetery and performance of any prepaid burial obligations, unless that responsibility is transferred to the operator of another cemetery. The person or entity caring for and managing an abandoned endowment care cemetery would also have the option of seeking to form or join a public cemetery district.

*Mt. Tamalpais Cemetery.* Beginning in 2022, the Bureau began taking enforcement actions against the owner of an endowment care cemetery in San Rafael for failing to adequately maintain the property and properly manage its endowment care trust. It was subsequently determined that millions of dollars from the trust had been diverted into inappropriate investments and personal expenses rather than cemetery care and maintenance. In 2025, the Bureau revoked the cemetery's license and issued cease-and-desist orders to stop conducting cemetery operations. Additionally, the Bureau seized \$52 million in endowment care funds that are reserved for the care and maintenance of the four cemeteries under the control of the cemetery owner.

However, while the cemetery owner no longer had a license to operate a cemetery business, they still maintained ownership and possession of the land where the cemetery was located, which remained an active burial site. Meanwhile, the cemetery grounds continued to fall into disrepair, with reports of overgrown vegetation, obscured headstones, gopher damage, deteriorating infrastructure, and a lack of regular maintenance. These poor conditions have caused understandable grief and dismay for the families of those interred at the cemetery, including members of synagogues who had long utilized the cemetery for religious burials.

Because the owner of the cemetery in San Rafael never willingly relinquished their license or title to the cemetery property, the cemetery would not necessarily be considered “abandoned” in the traditional sense. However, the failure of the cemetery to maintain a minimum standard of care implicates the same concerns for health and safety as well as the dignity of those interred. Additionally, many individuals pre-purchased plots on the land, desiring to be laid to rest alongside family members. The County of Marin has characterized the current state of the dispute with this cemetery as “a serious gap in California’s regulatory framework for private cemeteries when ownership fail but operations continue” and has sought to resolve the situation as part of the broader solution to abandoned cemetery issues.

This bill would provide that when a court determines that a cemetery’s certificate of authority has lapsed or has been suspended, surrendered, abandoned, or revoked, the court shall name the Bureau as the conservator of the endowment care fund and take specified actions to take actions as it deems appropriate to ensure the continued care, maintenance, and embellishment of the property. A cemetery’s certificate of authority would be deemed abandoned if the court determines that certain circumstances have persisted for an extended and unreasonable period of time and that the health, safety, comfort, or welfare of the public is threatened or endangered. These circumstances would include unresponsiveness to the public, inability of the community to access and visit the property, and serious violations of maintenance standards. These provisions of the bill are specifically tailored to address the circumstances of the San Raphael cemetery situation and would provide courts with a mechanism to provide relief to local stakeholders and families.

*Advisory Committees.* The Bureau currently regularly convenes a seven-member Advisory Committee, which consists of four representatives of the death care industry and three members of the public, all of whom are appointed for two-year terms by the Bureau Chief. According to the Bureau, the purpose of having an Advisory Committee is so that timely issues, such as barriers to licensure or changes in the profession, can be brought to the Bureau’s attention. The Advisory Committee is also consulted when the Bureau is exploring potential changes in law, regulation, or policy, such as its recent increase in license fees.

While the value of the Advisory Committee is cogently stated, its existence is currently not recognized in statute. The Bureau established the Advisory Committee voluntarily on its own initiative and there is no legal requirement that the Advisory Committee be continued in the future. While there is no indication that the Bureau’s current leadership would ever consider disbanding the Advisory Committee, there has been discussion of potential benefits to codifying it within the Act. This bill would prove that if the Bureau establishes an Advisory Committee, the advisory committee shall include at least one member from each of the specified groups, including representatives of local governments.

**Prior Related Legislation.** SB 777 (Richardson), Chapter 658, Statutes of 2025 expedites the requirement for the Bureau to convene a workgroup, and provide a report, to discuss options for ensuring continued care of abandoned endowment care cemeteries.

AB 3254 (Berman), Chapter 589, Statutes of 2024 extended the sunset date for the Bureau and required the Bureau to convene a workgroup of interested stakeholders to make recommendations relating to abandoned cemeteries.

#### **ARGUMENTS IN SUPPORT:**

The *Marin County Board of Supervisors* supports this bill, writing: “The County of Marin has been grappling firsthand with the consequences of an abandoned private endowment care cemetery at Mt. Tamalpais Cemetery in San Rafael. Mt. Tamalpais is a 150-year-old cemetery that remains an active burial site for families with pre-purchased plots. Following years of financial mismanagement, operational failures, and neglect, the Cemetery and Funeral Bureau revoked the cemetery's license in 2025 and assumed control of its endowment care fund. Despite these actions, the cemetery remains in a state of severe deterioration, with overgrown vegetation, damaged gravesites, public safety concerns, and little to no ongoing maintenance. Unlike other abandoned cemeteries in the state, Mt. Tamalpais continues to conduct burials while lacking a licensed cemetery operator, creating a uniquely challenging situation for families and regulators alike.” The County of Marin further writes: “Marin County is grateful to Senator Richardson and her office for taking a leadership role on this difficult issue.”

#### **ARGUMENTS IN OPPOSITION:**

The *California Special Districts Association* (CDSA) writes in opposition: “SB 1312 would create a process whereby a city, county, or city and county can, by majority vote, transfer an abandoned private endowment care cemetery to various entities, including public cemetery districts. Similarly, SB 1312 creates a process whereby a court may intervene in practically the same way. Neither of these processes involve the express, affirmative consent of the public cemetery district to shoulder the significant undertaking involved in taking over an abandoned cemetery. Without taking into consideration the judgment of the public cemetery district, these provisions of SB 1312 threaten to dramatically upset the financial viability of a public cemetery district. To address these concerns, we believe that SB 1312 should be amended such that in no case should any entity be able to unilaterally assign stewardship, ownership, responsibility, care, management, maintenance, or embellishment of an abandoned endowment care cemetery without the express, affirmative consent of the public cemetery district.”

#### **IMPLEMENTATION ISSUES:**

The language in this bill was based on the recommendations contained in the report submitted by the Bureau on June 1, 2026. Subsequently, on June 16, 2026, the Bureau submitted language to the author drafted to implement its recommendations; however, this language was not received in time to incorporate into recent amendments to this bill. While there are not substantive policy conflicts between the Bureau’s proposed language and the language currently in this bill, the author should work with the Bureau to reconcile any drafting differences to ensure that the policy of the bill can be effectively implemented.

**REGISTERED SUPPORT:**

Marin County Board of Supervisors

**REGISTERED OPPOSITION:**

California Special Districts Association

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