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HEALTH AND SAFETY CODE - HSC

DIVISION 7. DEAD BODIES [7000 - 8030] (*Division 7 enacted by Stats. 1939, Ch. 60.*)

PART 2. DISINTERMENT AND REMOVAL [7500 - 8030] (*Part 2 enacted by Stats. 1939, Ch. 60.*)

CHAPTER 4. Removal of All Remains: Cities and Cities and Counties Over 100,000 [7700 - 8005] (*Chapter 4 enacted by Stats. 1939, Ch. 60.*)

ARTICLE 8. Use of Funds [7925 - 7933] (*Article 8 enacted by Stats. 1939, Ch. 60.*)

7925. Money payable or to become payable as the purchase price or on account of the purchase price of unused lands, or lands from which all remains have been removed is not subject to enforcement of a money judgment, but shall be used exclusively for any or all of the following purposes:

- (a) Acquisition of lands and improvements for cemetery purposes.
- (b) Disinterment, removal, and reinterment of bodies, pursuant to this chapter.
- (c) Endowment care of graves, markers, and cemetery embellishments.
- (d) The payment of expenses incidental to the disinterment, removal, and reinterment.
- (e) Any other purpose consistent with the objects for which the cemetery authority owning the cemetery is created or organized.

(Amended by Stats. 1982, Ch. 497, Sec. 122. Operative July 1, 1983, by Sec. 185 of Ch. 497.)

7926. Whenever any cemetery corporation or association has declared for removal and has published notice of its intention to make removals under this chapter, it may employ any money in its treasury to defray the expense of removal, including:

- (a) The expense of purchasing or otherwise providing a suitable place for the interment of remains in any other cemetery.
- (b) The expenses of disinterment, transportation and reinterment.
- (c) The expenses of removal and disposal of vaults, monuments, headstones, copings, or other improvements.
- (d) All necessary expenses incident to the sale or mortgaging of any land from which removals have been made.
- (e) All other expenses necessarily incurred in carrying out the removal, and reinterment, or disposing of remains so removed.
- (f) All expenses incident to any of the above purposes.

(Enacted by Stats. 1939, Ch. 60.)

7927. From the money remaining in the treasury of the cemetery corporation or association after completing the removal and reinterment of the remains from its cemetery lands and the payment of all incidental expenses, the cemetery corporation or association shall set aside an adequate endowment care fund for the maintenance and care of the cemetery in which the remains have been interred.

(Amended by Stats. 1951, Ch. 176.)

7928. After making provisions for an endowment care fund to provide for maintenance and care, the governing body of the cemetery corporation or association may use such portion of the funds then remaining as it may determine to be just and fair in reimbursing those who voluntarily and at their own cost and expense removed the remains of friends or relatives from the cemetery lands from which the remains were ordered removed. Such reimbursement shall not be greater in amount than the average cost to the cemetery corporation or association for removals directly made by it.

(Amended by Stats. 1951, Ch. 176.)

7929. Any balance remaining in the fund may be used for such other purposes as the cemetery corporation or association may lawfully declare.

(Enacted by Stats. 1939, Ch. 60.)

7930. Whenever any cemetery corporation or association having a governing body has caused the removal of remains from all or any portion of its cemetery and has funds in its treasury which are not required for other purposes, it may set aside, invest, use, and apply from such unexpended funds such sum as, in the judgment of the governing body, it is necessary or expedient to provide for the perpetual or other care or improvement of any cemetery in which the disinterred remains may be reinterred.

(Enacted by Stats. 1939, Ch. 60.)

7931. In lieu of itself investing, using or applying the funds for care or improvement, the cemetery corporation or association may transfer the funds to any other corporation under such conditions and regulations as in the judgment of the governing body will insure their application to the purposes of care or improvement.

(Enacted by Stats. 1939, Ch. 60.)

7932. Before any such transfer of funds is made, the cemetery corporation or association shall obtain an order authorizing the transfer from the superior court of the county where the cemetery or portion from which the remains were removed is situated.

(Enacted by Stats. 1939, Ch. 60.)

7933. The order shall be obtained upon petition of the cemetery corporation or association, after such notice by publication as the court may direct, and any member or former plot owner may support or oppose the granting of the order by affidavit or otherwise. Before making the order, proof shall be made to the satisfaction of the court that notice has been given and that it is for the best interests of the cemetery corporation or association that the transfer be made.

(Enacted by Stats. 1939, Ch. 60.)