

1 H.2

2 Introduced by Representative Ancel of Calais

3 Referred to Committee on

4 Date:

5 Subject: Elections; local elections; town officers; board of cemetery

6 commissioners; appointment

7 Statement of purpose of bill as introduced: This bill proposes to allow a town
8 to vote to authorize its selectboard to appoint two additional members to an
9 elected board of cemetery commissioners. Appointed commissioners would
10 not need to be residents of the town.

11 An act relating to a selectboard's appointment of additional members to a
12 town's elected board of cemetery commissioners

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 18 V.S.A. § 5373 is amended to read:

15 § 5373. BOARD OF CEMETERY COMMISSIONERS

16 (a) ~~When a~~ A town votes may vote to place its public burial grounds under
17 the charge of a board of cemetery commissioners, ~~it~~. A town so voting shall
18 elect separately a board of three or five cemetery commissioners, ~~who~~.

19 (b)(1) A town that votes to place its public burial grounds under the charge
20 of a board of cemetery commissioners may vote to authorize its selectboard to

1 appoint two additional members to the board. Commissioners appointed by
2 the selectboard need not be residents of the town.

3 (2) When a town votes to authorize the selectboard to appoint cemetery
4 commissioners, the selectboard's authority to make those appointments shall
5 remain in effect until the town rescinds that authority by the majority vote of
6 the legal voters present and voting at an annual meeting, duly warned for that
7 purpose.

8 (c) The board of cemetery commissioners shall have the care and
9 management of ~~such~~ the town's public burial ground grounds and exercise all

10 the powers, rights, and duties with respect to such care and management, and
11 all responsibility on the part of the ~~selectmen~~ selectboard regarding those
12 burial grounds shall cease.

13 Sec. 2. 18 V.S.A. § 5374 is amended to read:

14 § 5374. NUMBER OF ELECTED COMMISSIONERS; TERM OF OFFICE
15 OF COMMISSIONERS; VACANCIES

16 (a) Elected commissioners.

17 (1)(A) ~~The~~ When a town votes to create a board of five elected cemetery
18 commissioners, their terms shall be staggered so that initially, one
19 commissioner ~~first chosen~~ shall hold office for five years, ~~the next one for four~~
20 years, ~~the next one for three years, the next one for two years, and the last one~~
21 for one year. When the term of office of each initial commissioner expires, a

1 successor shall be chosen for five years. ~~Vacancies in the board may be filled~~
2 ~~by the remaining commissioners until the next annual meeting. However, a~~
3 ~~town so voting at an annual town meeting may limit the number of the board to~~
4 ~~three members and the term of office to three years.~~

5 (B) When a town votes to create a board of three elected cemetery
6 commissioners, their terms shall be staggered so that initially, one
7 commissioner shall hold office for three years, one for two years, and one for
8 one year. When the term of office of each initial commissioner expires,
9 a successor shall be chosen for three years.

10 (2) A town so voting at an annual town meeting may change the number
11 of elected commissioners on the board as set forth in subdivision (1) of this
12 subsection.

13 (3) A vacancy in the office of an elected commissioner may be filled by
14 the remaining commissioners until the next annual meeting.

15 (b) Appointed commissioners. If the selectboard is authorized to appoint
16 additional commissioners to the board as set forth in section 5373 of this
17 subchapter:

18 (1) the term of office of an appointed commissioner shall be three years
19 for a board of three elected cemetery commissioners or five years for a board
20 of five elected cemetery commissioners;

1 (2) the selectboard may remove an appointed commissioner for just
2 cause after due notice and hearing; and

3 (3) a vacancy in the office of an appointed commissioner may be filled
4 by the selectboard for the remainder of the term.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on July 1, 2015.