

SB2456



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2456

Introduced 1/30/2018, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

225 ILCS 411/5-20
225 ILCS 411/20-13 new

Amends the Cemetery Oversight Act. Provides that no cemetery authority shall charge a consumer an amount exceeding \$500 for the placement of a headstone or memorial marker that is provided for a United States Veteran by the United States Government. Defines "placement". Makes related changes to provide that a cemetery authority claiming a partial exemption under the Act shall be required to comply with this requirement. Effective immediately.

LRB100 17960 XWW 33144 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cemetery Oversight Act is amended by
5 changing Section 5-20 and by adding Section 20-13 as follows:

6 (225 ILCS 411/5-20)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 5-20. Exemptions.

9 (a) Full exemption. Except as provided in this subsection,
10 this Act does not apply to (1) any cemetery authority operating
11 as a family burying ground or religious burying ground, (2) any
12 cemetery authority that has not engaged in an interment,
13 inurnment, or entombment of human remains within the last 10
14 years, or (3) any cemetery authority that is less than 3 acres.
15 For purposes of determining the applicability of this
16 subsection, the number of interments, inurnments, and
17 entombments shall be aggregated for each calendar year. A
18 cemetery authority claiming a full exemption shall apply for
19 exempt status as provided for in Section 10-20 of this Act. A
20 cemetery authority claiming a full exemption shall be subject
21 to Sections 10-40, 10-55, and 10-60 of this Act. A cemetery
22 authority that performs activities that would disqualify it
23 from a full exemption is required to apply for licensure within

1 one year following the date on which its activities would
2 disqualify it for a full exemption. A cemetery authority that
3 previously qualified for and maintained a full exemption that
4 fails to timely apply for licensure shall be deemed to have
5 engaged in unlicensed practice and shall be subject to
6 discipline in accordance with Article 25 of this Act.

7 (b) Partial exemption. If a cemetery authority does not
8 qualify for a full exemption and (1) engages in 25 or fewer
9 interments, inurnments, or entombments of human remains for
10 each of the preceding 2 calendar years, (2) operates as a
11 public cemetery, or (3) operates as a religious cemetery, then
12 the cemetery authority is partially exempt from this Act but
13 shall be required to comply with Sections 10-23, 10-40, 10-55,
14 10-60, subsections (a), (b), (b-5), (c), (d), and (h) of
15 Section 20-5, Sections 20-6, 20-8, 20-10, 20-12, 20-13, 20-30,
16 20-35, 20-40, 25-3, and 25-120, and Article 35 of this Act.
17 Cemetery authorities claiming a partial exemption shall apply
18 for the partial exemption as provided in Section 10-20 of this
19 Act. A cemetery authority that changes to a status that would
20 disqualify it from a partial exemption is required to apply for
21 licensure within one year following the date on which it
22 changes its status. A cemetery authority that maintains a
23 partial exemption that fails to timely apply for licensure
24 shall be deemed to have engaged in unlicensed practice and
25 shall be subject to discipline in accordance with Article 25 of
26 this Act.

1 (c) Nothing in this Act applies to the City of Chicago in
2 its exercise of its powers under the O'Hare Modernization Act
3 or limits the authority of the City of Chicago to acquire
4 property or otherwise exercise its powers under the O'Hare
5 Modernization Act, or requires the City of Chicago, or any
6 person acting on behalf of the City of Chicago, to comply with
7 the licensing, regulation, investigation, or mediation
8 requirements of this Act in exercising its powers under the
9 O'Hare Modernization Act.

10 (Source: P.A. 96-863, eff. 3-1-10; 97-679, eff. 2-6-12.)

11 (225 ILCS 411/20-13 new)

12 Sec. 20-13. Veterans; headstones and memorial markers. No
13 cemetery authority shall charge a consumer an amount exceeding
14 \$500 for the placement of a headstone or memorial marker that
15 is provided for a United States Veteran by the United States
16 Government pursuant to Section 2306 of Title 38 of the United
17 States Code. For the purposes of this Section, "placement"
18 means the installation of a headstone or memorial marker,
19 including without limitation labor, materials, machinery,
20 tools, and equipment.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.