



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4615

by Rep. LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

See Index

Creates the Cemetery Licensing Act. Requires a cemetery authority owning, operating, controlling, or managing a privately operated cemetery to (i) be licensed by the Department of Financial and Professional Regulation; (ii) employ only licensed cemetery managers and cemetery employees; (iii) establish and make available at the signing of all agreements with a consumer a maintenance policy with a minimum level of care; and (iv) conspicuously post inside the cemetery's office the Bereaved Family's Bill of Rights. Provides that double-stacking in a grave is prohibited unless the purchaser of the grave at the time of the grave purchase gives written permission to double-stack and specifies whose remains may be double-stacked in the specified grave. Prohibits sale of term graves. Provides for the Department, in conjunction with the Cemetery Licensing Commission whose members are appointed by the Governor with the advice and consent of the Senate, to administer the licensing and discipline of licensees. Amends the Cemetery Care Act. Provides that a cemetery authority must annually report to the Comptroller an inventory of the cemetery grounds. Provides that the Office of the Comptroller shall make such inventory reports publicly available by means of a searchable database that is accessible through that agency's website and shall issue a certificate of filing upon timely receipt of a cemetery's annual report. Establishes late filing fees and criminal penalties for specific violations. Grants the Comptroller the authority to initiate an audit of the cemetery business and rulemaking authority to implement specified provisions under the Act. Effective immediately.

LRB096 13820 AJO 28893 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 1. Short title. This Act may be cited as the
5 Cemetery Licensing Act.

6 Section 5. Legislative intent. It is the intent of the
7 General Assembly that this Act provide for the regulation of
8 cemetery authorities owning, controlling, or managing a
9 privately operated cemetery, including those who are employed
10 by those cemetery authorities.

11 Section 10. Definitions. In this Act,

12 "Act" means the Cemetery Licensing Act.

13 "Applicant" means any person, as defined in this Section,
14 who applies to the Department for a valid license as a
15 cemetery, cemetery manager, or cemetery employee.

16 "Cemetery operation" means the maintenance and functioning
17 of a cemetery for entombment, interment, inurnment, or
18 visitation, and care of the physical features of the cemetery
19 including any lot, grave, crypt, niche, mausoleum,
20 columbarium, memorial, or marker therein, including: (i) the
21 planning and platting of the cemetery property for graves,
22 mausoleums, and columbariums; (ii) the marketing and sale of

1 any lot, grave, crypt, niche, memorial, marker, or related
2 matter; (iii) the cutting and trimming of lawn, shrubs, and
3 trees at reasonable intervals; (iv) constructing, maintaining,
4 and repairing any grave, drain, water line, road, mausoleum,
5 columbarium, building, fence, or other structure, in keeping
6 with a well-maintained cemetery; (v) maintenance of machinery,
7 tools, and equipment for such care; (vi) compensation of
8 employees, payment of insurance premiums, and reasonable
9 payments for employees' pension and other benefits plans; and
10 (vii) maintaining necessary records of lot or niche ownership,
11 transfers, and burials, entombments, interments, and
12 inurnments.

13 "Cemetery" means any land or structure in this State
14 dedicated to and used, or intended to be used, for the
15 entombment, interment, or inurnment of human remains.

16 "Cemetery authority" means any person, firm, corporation,
17 trustee, partnership, association, or municipality owning,
18 operating, controlling, or managing a cemetery or holding lands
19 for burial grounds or burial purposes in this State.

20 "Commission" means the Cemetery Licensing Commission.

21 "Consumer" means a person or entity seeking or receiving
22 licensed activities.

23 "Credit hour" means 50 minutes of classroom instruction in
24 course work that meets the requirements set forth in rules
25 adopted by the Department.

26 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Double-stacking" means placing human remains in an
3 occupied grave, niche, or crypt without lawfully removing the
4 human remains which occupy the grave, niche, or crypt.

5 "Entombment right" means the right to place individual
6 human remains or individual cremated human remains in a
7 specific mausoleum crypt or lawn crypt selected by the consumer
8 for use as a final resting place.

9 "Family burying ground" has the meaning ascribed to that
10 term in the Cemetery Care Act.

11 "Fraternal cemetery" has the meaning ascribed to that term
12 in the Cemetery Care Act.

13 "Grave" means a space of ground in a cemetery, used, or
14 intended to be used, for burial.

15 "Interment right" means the right to place individual human
16 remains or cremated human remains in a specific underground
17 location selected by the consumer for use as a final resting
18 place.

19 "Inurnment right" means the right to place individual
20 cremated human remains in a specific niche selected by the
21 consumer for use as a final resting place.

22 "Lawn crypt" means a permanent underground crypt usually
23 constructed of reinforced concrete or similar material
24 installed in multiple units for the entombment of human
25 remains.

26 "License" means the document issued by the Department

1 certifying that the person named thereon has fulfilled all
2 requirements prerequisite to licensure under this Act.

3 "Licensed activities" means those activities included in
4 the definition of "cemetery operation".

5 "Licensee" means any person, as defined in this Section,
6 who holds a valid unexpired license as a cemetery, cemetery
7 manager, or cemetery employee.

8 "Mausoleum crypt" means a space in a mausoleum used or
9 intended to be used, above or under ground, to entomb human
10 remains.

11 "Municipal cemetery" has the meaning ascribed to that term
12 in the Cemetery Care Act.

13 "Niche" means a space in a columbarium used or intended to
14 be used, for inurnment of cremated human remains.

15 "Person" means and includes individuals, entities,
16 corporations, limited liability companies, registered limited
17 liability partnerships, and partnerships, foreign or domestic,
18 except that when the context otherwise requires, the term may
19 refer to a single individual or other described entity.

20 "Privately operated cemetery" means any entity that offers
21 interment rights, entombment rights, or inurnment rights,
22 other than a fraternal, municipal, State, federal or religious
23 cemetery or a family burying ground.

24 "Religious cemetery" has the meaning ascribed to that term
25 in the Cemetery Care Act.

26 "Secretary" means the Secretary of the Department.

1 "State or federal cemetery" has the meaning ascribed to
2 that term in the Cemetery Care Act.

3 "Term grave" means a lot, grave, niche, or crypt sold to be
4 used for entombment, interment, or inurnment for a set term of
5 years.

6 Section 15. Consumer rights.

7 (a) A cemetery authority owning, operating, controlling,
8 or managing a privately operated cemetery shall establish and
9 make available at the signing of all agreements with a consumer
10 a maintenance policy that sets forth a minimum level of care
11 provided by the cemetery authority.

12 (b) A cemetery authority owning, operating, controlling,
13 or managing a privately operated cemetery shall post inside the
14 cemetery's office in a conspicuous place that is accessible to
15 all persons who enter the premises to purchase or inquire about
16 proffered cemetery services, a sign (in a form prescribed by
17 the Department) reciting the Bereaved Family's Bill of Rights
18 as promulgated by the Department and posted on the Department's
19 website and which states in part that a cemetery authority
20 owning, operating, controlling, or managing a privately
21 operated cemetery shall provide for the dignified preservation
22 and complete and permanent entombment, interment, or inurnment
23 of human remains and shall not engage in the practice of
24 gutting, double-stacking, reusing, or reselling any occupied
25 grave site, niche, or crypt. The cemetery authority shall

1 distribute upon reasonable request and to all persons who
2 execute an agreement for burial or related services in the
3 cemetery a clearly printed copy of the Bereaved Family's Bill
4 of Rights.

5 (c) Nothing contained in this Section, however, shall
6 prevent the owner of an interment right after the effective
7 date of this Act from giving the cemetery authority express
8 written permission to double-stack a grave, niche, or crypt
9 associated with an entombment, interment, or inurnment right,
10 provided that the written permission to double-stack is given
11 by the purchaser of the grave, niche, or crypt at the time of
12 purchase; the written permission expressly names the person
13 whose remains could be double-stacked; and the written
14 permission expressly states that double-stacking may only
15 result in the remains of 2 persons being placed in the grave,
16 niche, or crypt. Any cemetery authority owning, operating,
17 controlling, or managing a privately operated cemetery who
18 double-stacks or resells a lot, plot, grave site, niche, or
19 crypt that is occupied with human remains or is shown as being
20 sold on the cemetery's records, or the records filed with the
21 Comptroller under Section 2a of the Cemetery Care Act, and does
22 so without first obtaining written authorization from the
23 entombment, interment, or inurnment right owner shall be guilty
24 of a Class 4 felony.

25 (d) On and after the effective date of this Act, no term
26 grave shall be sold by any cemetery authority owning,

1 operating, controlling, or managing a privately operated
2 cemetery. As to any term grave created prior to the effective
3 date of this Act, any cemetery authority owning, operating,
4 controlling, or managing a privately operated cemetery may only
5 remove and relocate any human remains in a term grave to a new
6 location that is appropriate, after notification of the heirs,
7 if any, of the person whose remains are located in the term
8 grave, and at no expense to that person's estate or heirs.

9 Section 20. License required.

10 (a) A cemetery authority owning, operating, controlling,
11 or managing a privately operated cemetery shall be licensed as
12 a cemetery by the Department of Financial and Professional
13 Regulation on or after January 1, 2013, according this Act and
14 the rules promulgated by the Department.

15 (b) No person may provide services as a cemetery manager or
16 cemetery employee in this State after January 1, 2013, unless
17 he or she holds a current and valid license as a cemetery
18 manager or cemetery employee issued by the Department.

19 Section 25. Exemptions. This Act does not apply to a
20 fraternal, municipal, State, federal, or religious cemetery or
21 a family burying ground.

22 Section 30. Cemetery manager license.

23 (a) No person shall be qualified for licensure as a

1 cemetery manager under this Act, unless he or she meets all of
2 the following qualifications:

3 (1) He or she is at least 21 years of age.

4 (2) He or she is a United States citizen.

5 (3) He or she provides satisfactory evidence to the
6 Commission of having completed at least 20 credit hours in
7 appropriate cemetery management courses approved by the
8 Commission.

9 (4) He or she has successfully completed an examination
10 covering the fundamentals of cemetery management,
11 including the Burial Lot Perpetual Trust Act, Cemetery Care
12 Act, Cemetery Perpetual Trust Authorization Act, Cemetery
13 Company Land Not Used for Burial Act, Cemetery Association
14 Land Not Used for Burial Act, Cemetery Removal Act,
15 Cemetery Protection Act, and any other statutes that the
16 Commission deems appropriate as it relates to cemetery
17 management.

18 (5) He or she has not had a license suspended or
19 revoked in any jurisdiction as a cemetery manager, cemetery
20 employee, or owner of a cemetery, or the comparable
21 category of license, or been convicted of any offense in
22 any jurisdiction for conduct the person engaged in as a
23 cemetery manager, cemetery employee, or owner of a
24 cemetery.

25 (b) Notwithstanding the provisions of subsection (a) of
26 this Section, the examination and initial education

1 requirement shall not apply to a person who, within 6 months
2 after the rules to administer this Act are adopted by the
3 Department, applies for a cemetery manager license by providing
4 satisfactory evidence to the Department and the Commission of
5 qualifying experience or education including, without
6 limitation, evidence that he or she has practiced cemetery
7 management for a period of 5 years.

8 Section 35. Cemetery employee license.

9 (a) No person shall be qualified for licensure as a
10 cemetery employee under this Act, unless he or she meets all of
11 the following qualifications:

12 (1) He or she is at least 18 years of age.

13 (2) He or she is a United States citizen.

14 (3) He or she has not had any type of license suspended
15 or revoked by the Department.

16 (4) He or she has not had any license as a cemetery
17 manager, cemetery employee, or owner of a cemetery, or the
18 comparable category of license, suspended or revoked by any
19 jurisdiction.

20 Section 40. Cemetery license; cemetery employment.

21 (a) No firm, association, or corporation shall act as a
22 cemetery authority owning, operating, controlling, or managing
23 a privately operated cemetery licensed under this Act, or
24 advertise or assume to act as such, or use any title implying

1 that the firm, association, or corporation is engaged in such
2 business, unless licensed by the Department.

3 (b) No cemetery authority owning, operating, controlling,
4 or managing a privately operated cemetery licensed under this
5 Act shall employ any person unless that person is licensed by
6 the Department as a cemetery manager or cemetery employee.

7 Section 45. Cemetery licensing requirements.

8 (a) It shall be unlawful for any person or business to
9 engage in, advertise, or hold itself out to be a cemetery
10 authority owning, operating, controlling, or managing a
11 privately operated cemetery in this State after January 1,
12 2013, unless such person or business is licensed by the
13 Department. This cemetery license must be renewed every 4
14 years.

15 (b) In order to obtain a cemetery license, a person or
16 business must submit an application to the Department, on a
17 form provided by the Department containing the information
18 prescribed, along with the application fee.

19 (c) A person or business applying for a cemetery license
20 must have a designated licensed cemetery manager employed at
21 the business location and the designated licensed cemetery
22 manager shall be identified on the cemetery license
23 application.

24 (d) A person or business applying for a cemetery license
25 must show proof of having liability and property damage

1 insurance in such amounts and under such circumstances as may
2 be determined by the Department.

3 (e) A person or business applying for a cemetery license
4 must show proof of having workers' compensation insurance
5 covering its employees or be approved as a self-insurer of
6 workers' compensation in accordance with the laws of this
7 State.

8 (f) A person or business so licensed shall have a separate
9 cemetery license for each business location within the State.

10 (g) When an individual proposes to do business in her or
11 his own name, a cemetery license, when granted, shall be issued
12 only to that individual.

13 (h) If the applicant requesting licensure to engage in
14 business as a privately operated cemetery is a business
15 organization, such as a partnership, corporation, business
16 trust, or other legal entity, the application shall state the
17 name of the partnership and its partners, the name of the
18 corporation and its officers and directors, the name of the
19 business trust and its trustees, or the name of such other
20 legal entity and its members and shall furnish evidence of
21 statutory compliance if a fictitious name is used. The
22 application shall also show that the business entity employs a
23 licensed cemetery manager. The cemetery license, when issued
24 upon application of a business organization, shall be in the
25 name of the business organization and the name of the licensed
26 cemetery manager designated shall be noted thereon.

1 Section 50. Designated licensed cemetery manager
2 requirements.

3 (a) A designated licensed cemetery manager must be a
4 current Illinois licensed cemetery manager.

5 (b) At least one member of every firm, association, or
6 partnership and at least one corporate officer of every
7 corporation engaged in the business of a privately operated
8 cemetery must be a licensed cemetery manager.

9 (c) A designated licensed cemetery manager must be employed
10 by the licensee at a business location with a valid cemetery
11 license.

12 (d) A designated licensed cemetery manager must perform his
13 or her normal duties at a business location with a valid
14 cemetery license.

15 (e) A designated licensed cemetery manager may be the
16 designated licensed cemetery manager for only one business
17 location and only one business entity.

18 (f) A designated licensed cemetery manager must be directly
19 involved in supervision of the cemetery operation. The
20 designated licensed cemetery manager does not, however, have to
21 be at the site of the privately operated cemetery at all times.

22 Section 55. Change of a designated licensed cemetery
23 manager. When a cemetery licensee is without a designated
24 licensed cemetery manager, the cemetery licensee shall notify

1 the Department in writing within 30 days and shall employ a
2 designated licensed cemetery manager no later than 180 days
3 from the time the position of designated licensed cemetery
4 manager becomes vacant. Failing to fill the vacant position
5 shall cause the cemetery license of the person or of the
6 business organization to expire without further operation of
7 law.

8 Section 60. Cemetery Licensing Commission.

9 (a) There is hereby created the Cemetery Licensing
10 Commission, which shall consist of 7 members appointed by the
11 Governor, with the advice and consent of the Senate. All
12 members must be residents of the State and must have resided in
13 the State for at least 5 years immediately preceding the date
14 of appointment. Five members of the Commission must be
15 licensees under this Act, except that, initially, these members
16 must meet the qualifications for licensure and must obtain a
17 license within 6 months after the rules to administer this Act
18 are adopted by the Department. Two members of the Commission
19 shall not be licensed as a cemetery manager or cemetery
20 employee, or be an owner or shareholder of a cemetery at the
21 time of appointment.

22 (b) Commission members shall serve for terms of 5 years,
23 except that, initially, 4 members shall serve for 5 years and 3
24 members shall serve for 3 years. Each member shall serve until
25 his or her successor is appointed and qualified. All vacancies

1 shall be filled in like manner for the unexpired term. The
2 Governor shall remove from the Commission any member whose
3 license has become void or has been revoked or suspended and
4 may remove any member of the Commission for neglect of duty,
5 misconduct, or incompetence.

6 (c) The presence of two-thirds of the full Commission shall
7 constitute a quorum for the transaction of business. Action
8 shall be taken only upon the majority vote of a quorum, except
9 regarding disciplinary actions, which shall require a
10 unanimous vote of a quorum.

11 (d) Any member of the Commission, any attorney providing
12 advice to the Commission, any person acting as a consultant to
13 the Commission, and any witness testifying in a proceeding
14 authorized under this Act, excluding the party making the
15 complaint, shall be immune from liability in any civil action
16 brought against him or her for acts occurring while acting in
17 his or her capacity as a Commission member, attorney,
18 consultant, or witness, respectively, if such individual was
19 acting in good faith within the scope of his or her respective
20 capacity, made a reasonable effort to obtain the facts of the
21 matter as to which he or she acted, and acted in the reasonable
22 belief that the action taken by him or her was warranted by the
23 facts.

24 Section 65. Powers and duties of the Department. The
25 Department shall exercise the powers and duties prescribed by

1 the Civil Administrative Code of Illinois for the
2 administration of licensure Acts and shall exercise other
3 powers and duties necessary for effectuating the purposes of
4 this Act.

5 Section 70. Powers and duties of the Commission. The
6 Commission may perform each of the following:

7 (1) Elect annually from among its members a chairperson
8 and prescribe the duties of such office.

9 (2) Assist the Department in the following matters:

10 (A) enforcing the rules of professional conduct as
11 stated under this Act;

12 (B) developing appropriate administrative
13 enforcement procedures for violations of the rules of
14 professional conduct;

15 (C) providing forms and receiving applications for
16 licensure;

17 (D) creating examinations to be given to
18 applicants;

19 (E) issuing licenses and renewals as provided
20 under this Act;

21 (F) imposing disciplinary actions in the manner
22 prescribed under this Act; and

23 (G) determining the criteria to be included in the
24 State examination and administering or causing to be
25 administered the State examination.

1 Section 75. Examination.

2 (a) Every person who makes application for initial
3 licensure as a cemetery manager shall personally take and
4 achieve a passing score on a standardized examination for a
5 cemetery manager license. The standardized examinations must
6 be developed according to the basic principles of professional
7 testing standards utilizing psychometric measurement. The
8 examinations shall be prepared by an independent testing
9 service designated by the Commission using standards set forth
10 by the National Organization for Competency Assurances and
11 shall be approved by the Department.

12 (b) The Department shall conduct the examinations at such
13 times and places as the Commission shall approve.

14 (c) An applicant shall be eligible to take an examination
15 only after successfully completing the education requirements
16 set forth in this Act and attaining the minimum age required
17 under this Act.

18 Section 80. Disciplinary action.

19 (a) Disciplinary action recommended by the Commission and
20 imposed by the Department may consist of one or more of the
21 following:

22 (1) The revocation or suspension of a license.

23 (2) The refusal to renew or reinstate a license.

24 (3) The placement of the licensee on probation for a

1 reasonable period of time.

2 (4) The issuance of a reprimand or a censor to the
3 licensee.

4 (5) The imposition of a reasonable civil penalty.

5 (b) A cemetery manager licensee or cemetery worker licensee
6 is subject to disciplinary action if the cemetery manager
7 licensee or cemetery worker licensee commits any of the
8 following:

9 (1) A felony or offense involving moral turpitude or
10 unprofessional conduct.

11 (2) Any violation of this Act or the provisions of an
12 order of the Department or an agreement with the
13 Department.

14 (3) Failure to cooperate with the Commission in the
15 investigation of a complaint, including without limitation
16 failure to produce any document, book, or record in the
17 possession or control of the cemetery manager licensee or
18 cemetery worker licensee after the Commission or the
19 Department requests production of such document, book, or
20 record in the course of an investigation of a complaint.

21 Section 85. Fees and civil penalties.

22 (a) All fees and civil penalties shall be deposited into
23 the Cemetery Licensing Fund.

24 (b) A fee, determined by the Department by rule, shall be
25 paid for each application made to the Department, whether the

1 same is an application for examination or reexamination or for
2 issuance, renewal, reactivation, or reinstatement of a license
3 or any other application requiring formal action or
4 consideration by the Department.

5 (c) All fees shall be paid to the Department or its
6 authorized representative and shall be paid by the applicant in
7 advance of examination dates or of any action by the
8 Department.

9 (d) Fees imposed under this Act shall not be increased
10 within a given year by more than a percentage that exceeds the
11 percentage increase, if any, in the Consumer Price Index for
12 All Urban Consumers for the Midwest Area for all items
13 published by the U.S. Department of Labor for the 12 months
14 ending on the previous December 31.

15 (e) All civil penalties imposed under this Act or the rules
16 promulgated under this Act shall be paid to the Department
17 within the time established by the Department or the
18 Commission.

19 Section 90. Licensure; renewal; reactivation;
20 reinstatement.

21 (a) All licenses issued under this Act shall expire every 4
22 years on a date established by the Department, but may be
23 renewed upon the payment of the renewal fee authorized by this
24 Section and, if applicable, satisfactory completion of
25 mandatory continuing education.

1 (b) Any person may reactivate an expired license within a
2 one-year grace period after the date of its expiration by
3 making written application for reactivation and paying a
4 reactivation fee imposed by the Department.

5 (c) In the event that a person fails to reactivate his or
6 her license within the one-year grace period specified in this
7 Section, a person may reinstate such license within 4 years
8 after the date of the expiration of the grace period by making
9 written application for reinstatement, paying a reinstatement
10 fee, being eligible for the license and, in the case of a
11 cemetery manager licensee, providing proof to the Department of
12 his or her continued professional competence as a cemetery
13 manager in a manner as required by the Department. Thereafter,
14 a person shall not be reinstated unless he or she fulfills and
15 meets the requirements and conditions required of an applicant
16 applying for the issuance of an original license.

17 (d) Any person who performs licensed services after the
18 expiration of his or her license shall be practicing in
19 violation of this Act and be subject to any of the sanctions
20 authorized under this Act. The Department may refuse to
21 reactivate or reinstate any expired license for conduct that
22 constitutes a violation of any provision of this Act.

23 Section 95. Continuing education.

24 (a) Except as otherwise provided in this Section, each
25 person who applies for renewal of his or her license as a

1 cemetery manager must successfully complete continuing
2 education courses approved by the Commission at the rate of 4
3 credit hours per year or its equivalent or 16 credit hours over
4 a 4-year period. No cemetery manager license may be renewed
5 except upon the successful completion of the required courses
6 or their equivalent as determined by the Department with the
7 recommendation of the Commission.

8 (b) The continuing education requirement for cemetery
9 manager licensees shall consist of a curriculum established by
10 the Commission. In establishing the curriculum, the Commission
11 shall consider subjects that will educate licensees on recent
12 changes in applicable laws and new laws and refresh the
13 licensee in areas of cemetery operation that the Commission
14 deems appropriate, and any other areas that the Commission
15 deems timely and applicable in order to prevent violations of
16 this Act and to protect the public.

17 Section 100. Rulemaking conditions. Rulemaking authority
18 to implement this Act is conditioned on the rules being adopted
19 in accordance with all provisions of the Illinois
20 Administrative Procedure Act and all rules and procedures of
21 the Joint Committee on Administrative Rules; any purported rule
22 not so adopted, for whatever reason, is unauthorized.

23 Section 900. The Cemetery Care Act is amended by changing
24 Section 2a as follows:

1 (760 ILCS 100/2a) (from Ch. 21, par. 64.2a)

2 Sec. 2a. Powers and duties of cemetery authorities;
3 cemetery property maintained by cemetery care funds.

4 (a) With respect to cemetery property maintained by
5 cemetery care funds, a cemetery authority shall be responsible
6 for the performance of:

7 (1) the care and maintenance of the cemetery property
8 it owns; and

9 (2) the opening and closing of all graves, crypts, or
10 niches for human remains in any cemetery property it owns.

11 (b) A cemetery authority owning, operating, controlling,
12 or managing a privately operated cemetery shall make available
13 for inspection, and upon reasonable request provide a copy of,
14 its rules and regulations and its current prices of interment,
15 inurnment, or entombment rights.

16 (b-1) As of the end of the preceding calendar year, a
17 cemetery authority owning, operating, controlling, or managing
18 a privately operated cemetery shall conduct an annual inventory
19 of all lots, plots, grave sites, niches, and crypts located on
20 the cemetery grounds and shall prepare and file in the Office
21 of the Comptroller by a date prescribed by that agency, a
22 written report based on the findings of the inventory and
23 showing: (i) a plat map identifying all lots, plots, grave
24 sites, niches, and crypts on the cemetery grounds as either
25 occupied or sold or available for sale, and showing the zip

1 code for the cemetery grounds; (ii) the square footage of the
2 cemetery grounds; (iii) the number of occupied lots, plots,
3 grave sites, niches, and crypts; (iv) the number of vacant
4 lots, plots, grave sites, niches, and crypts; (v) the number of
5 lots, plots, grave sites, niches, and crypts sold during the
6 preceding calendar year; (vi) the number of vacant lots, plots,
7 grave sites, niches, or crypts available for purchase; (vii)
8 the square footage of cemetery land available for new lots,
9 plots, grave sites, niches, or crypts; and (viii) the square
10 footage and location of any additional land acquired by the
11 cemetery authority since the last annual report.

12 (b-2) The Office of the Comptroller shall make the reports,
13 including the plat maps of cemeteries, publicly available by
14 means of a searchable database that is accessible through that
15 agency's website no later than 3 years after the effective date
16 of this amendatory Act of the 96th General Assembly. Upon
17 timely receipt of a cemetery authority's annual inventory
18 report, a certificate of filing shall be issued by the
19 Comptroller and electronically filed in the database for public
20 viewing. Any cemetery authority owning, operating,
21 controlling, or managing a privately operated cemetery that
22 fails to file an annual inventory report by the date prescribed
23 by the Comptroller shall be subject to a civil penalty of \$100
24 for each and every day that the cemetery authority remains
25 delinquent in submitting the report. The Office of the
26 Comptroller may at any time order an audit of the cemetery

1 authority with respect to its inventory of vacant and occupied
2 lots, plots, grave sites, niches, and crypts. All civil
3 penalties shall be deposited into the Cemetery Licensing Fund.

4 (b-3) On and after a date established by rule by the Office
5 of the Comptroller, a cemetery authority owning, operating,
6 controlling, or managing a privately operated cemetery shall
7 provide to the Office of the Comptroller an update of its plat
8 map identifying: (i) any lot, plot, grave site, niche, or crypt
9 sold, within 30 days of the sale; (ii) any lot, plot, grave
10 site, niche, or crypt occupied, within 30 days of the
11 entombment, interment, or inurnment; and (iii) the square
12 footage and location of any additional land acquired by the
13 cemetery authority, within 30 days of the acquisition. The
14 Office of the Comptroller shall in a timely manner incorporate
15 and include information provided in updates furnished by
16 cemetery authorities on the plat maps of cemeteries publicly
17 available in the searchable database accessible through the
18 agency's website.

19 (b-4) The Office of the Comptroller shall have rulemaking
20 authority to implement subsections (b-1), (b-2), and (b-3)
21 provided that the rules are adopted in accordance with all
22 provisions of the Illinois Administrative Procedure Act and all
23 rules and procedures of the Joint Committee on Administrative
24 Rules; any purported rule not so adopted, for whatever reason,
25 is unauthorized.

26 (c) A cemetery authority owning, operating, controlling,

1 or managing a privately operated cemetery may, from time to
2 time as land in its cemetery may be required for burial
3 purposes, survey and subdivide those lands and make and file in
4 its office a map thereof delineating the lots or plots,
5 avenues, paths, alleys, and walks and their respective
6 designations. The cemetery authority shall open the map to
7 public inspection. The cemetery authority may make available a
8 copy of the overall map upon written request and payment of
9 reasonable photocopy fees. Any unsold lots, plots or parts
10 thereof, in which there are not human remains, may be
11 resurveyed and altered in shape or size, and properly
12 designated on such map. Nothing contained in this subsection,
13 however, shall prevent the cemetery authority from enlarging an
14 interment right by selling to the owner thereof the excess
15 space next to such interment right and permitting interments
16 therein, provided reasonable access to such interment right and
17 to adjoining interment rights is not thereby eliminated. The
18 Comptroller may waive any or all of the requirements of this
19 subsection (c) for good cause shown.

20 (d) A cemetery authority owning, operating, controlling,
21 or managing a privately operated cemetery shall keep a record
22 of every interment, entombment, and inurnment in the cemetery.
23 The record shall include the deceased's name, age, and date of
24 burial, when these particulars can be conveniently obtained,
25 and the lot, plot, or section where the human remains are
26 interred, entombed, or inurned. The record shall be open to

1 public inspection consistent with State and federal law. The
2 cemetery authority shall make available, consistent with State
3 and federal law, a true copy of the record upon written request
4 and payment of reasonable copy costs.

5 (e) A cemetery authority owning, operating, controlling,
6 or managing a privately operated cemetery shall provide access
7 to the cemetery under the cemetery authority's reasonable rules
8 and regulations.

9 (Source: P.A. 92-419, eff. 1-1-02.)

10 Section 910. The State Finance Act is amended by adding
11 Sections 5.719 and 6z-81 as follows:

12 (30 ILCS 105/5.719 new)

13 Sec. 5.719. The Cemetery Licensing Fund.

14 (30 ILCS 105/6z-81 new)

15 Sec. 6z-81. Appropriations from the Cemetery Licensing
16 Fund. The Cemetery Licensing Fund is created as a special fund
17 in the State treasury. All money in the Cemetery Licensing Fund
18 shall be expended only pursuant to appropriation. Amounts in
19 the Fund may be appropriated to the Office of the Comptroller
20 for use in processing cemetery annual reports and report
21 updates under the Cemetery Care Act and in creating and
22 maintaining the searchable database on the website of the
23 Office of the Comptroller of the cemetery annual reports.

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3

New Act

4

760 ILCS 100/2a

from Ch. 21, par. 64.2a

5

30 ILCS 105/5.719 new

6

30 ILCS 105/6z-81 new