



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1367

Introduced 02/09/05, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

760 ILCS 100/2a

from Ch. 21, par. 64.2a

Amends the Cemetery Care Act. Provides that a cemetery authority owning, operating, controlling, or managing a privately or publicly operated cemetery (instead of only a privately operated cemetery) shall provide access to the cemetery under the cemetery authority's reasonable rules and regulations.

LRB094 09117 LCB 39347 b

1 AN ACT concerning cemeteries.

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

4 Section 5. The Cemetery Care Act is amended by changing
5 Section 2a as follows:

6 (760 ILCS 100/2a) (from Ch. 21, par. 64.2a)

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

9 (a) With respect to cemetery property maintained by
10 cemetery care funds, a cemetery authority shall be responsible
11 for the performance of:

12 (1) the care and maintenance of the cemetery property
13 it owns; and

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

16 (b) A cemetery authority owning, operating, controlling or
17 managing a privately operated cemetery shall make available for
18 inspection, and upon reasonable request provide a copy of, its
19 rules and regulations and its current prices of interment,
20 inurnment, or entombment rights.

21 (c) A cemetery authority owning, operating, controlling or
22 managing a privately operated cemetery may, from time to time
23 as land in its cemetery may be required for burial purposes,
24 survey and subdivide those lands and make and file in its
25 office a map thereof delineating the lots or plots, avenues,
26 paths, alleys, and walks and their respective designations. The
27 cemetery authority shall open the map to public inspection. The
28 cemetery authority may make available a copy of the overall map
29 upon written request and payment of reasonable photocopy fees.
30 Any unsold lots, plots or parts thereof, in which there are not
31 human remains, may be resurveyed and altered in shape or size,
32 and properly designated on such map. Nothing contained in this

1 subsection, however, shall prevent the cemetery authority from
2 enlarging an interment right by selling to the owner thereof
3 the excess space next to such interment right and permitting
4 interments therein, provided reasonable access to such
5 interment right and to adjoining interment rights is not
6 thereby eliminated. The Comptroller may waive any or all of the
7 requirements of this subsection (c) for good cause shown.

8 (d) A cemetery authority owning, operating, controlling,
9 or managing a privately operated cemetery shall keep a record
10 of every interment, entombment, and inurnment in the cemetery.
11 The record shall include the deceased's name, age, and date of
12 burial, when these particulars can be conveniently obtained,
13 and the lot, plot, or section where the human remains are
14 interred, entombed, or inurned. The record shall be open to
15 public inspection consistent with State and federal law. The
16 cemetery authority shall make available, consistent with State
17 and federal law, a true copy of the record upon written request
18 and payment of reasonable copy costs.

19 (e) A cemetery authority owning, operating, controlling,
20 or managing a privately or publicly operated cemetery shall
21 provide access to the cemetery under the cemetery authority's
22 reasonable rules and regulations.

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