



**House
Legislative
Analysis
Section**

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NO FEE TO WITNESS BURIAL

**House Bills 5258-5260 as introduced
First Analysis (11-28-95)**

**Sponsor: Rep. Lloyd F. Weeks
Committee: Commerce**

THE APPARENT PROBLEM:

Various acts currently provide for the regulation of persons who operate cemeteries. Recently, it has come to light that some cemeteries reportedly charge a fee in order for family members or friends of a deceased loved one to witness the actual burial of the deceased's body. Cemetery owners argue that such fees sometimes are imposed because of the extra time it takes cemetery workers to fulfill the request--usually, made directly after the official funeral service ends when most other attendees have already left--and because other funerals planned for that day must be rescheduled. When this occurs, however, those paying for the funeral apparently are not told that viewing the burial will cost an additional amount until they are billed for the entire funeral. Some people believe legislation is needed to prohibit cemeteries from charging a fee to witness a burial.

THE CONTENT OF THE BILLS:

The bills would amend various acts regulating cemeteries to prohibit persons regulated by the acts from charging a fee to witness a burial.

House Bill 5258 would amend Public Act 12 of 1869 (MCL 456.14a), which regulates corporations formed to establish rural cemeteries; House Bill 5259 would amend Public Act 87 of 1855 (MCL 456.34a), which governs burial grounds; and House Bill 5260 would amend the Cemetery Regulation Act (MCL 456.535a).

FISCAL IMPLICATIONS:

The Bureau of Occupational and Professional Regulation, within the Department of Commerce, says the bill would not affect state or local budget expenditures. (11-13-95)

ARGUMENTS:

For:

Some cemeteries reportedly charge a fee for the family or friends of a deceased person to witness the actual burial of the person's body, even though the fee is not divulged until they receive the bill for the funeral. Some cemetery owners say such fees are justified because it takes time for their workers to accommodate the request and for other funerals to be rescheduled. This may be true, but most people make the reasonable assumption that watching their loved one be buried is included in the cost of the funeral (for which costs must be disclosed up front). By specifically barring cemeteries from charging a fee to witness a burial, the bills would require cemetery operators to anticipate such requests when scheduling funerals.

POSITIONS:

The Michigan Funeral Directors Association supports the bill. (11-8-95)

Michigan Cemetery Management, Inc., of Royal Oak is not opposed to the bill. (11-9-95)

The Department of Commerce has no position on the bill. (11-13-95)

Woodlawn Cemetery of Detroit is opposed to the bill. (11-8-95)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.