



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bills 5258, 5259, and 5260 (as passed by the Senate)
Sponsor: Representative Lloyd F. Weeks
House Committee: Commerce
Senate Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 2-22-96

RATIONALE

Recently, it has been reported that some cemeteries charge a fee to allow family members or friends of a deceased to witness the actual burial of the casket. Apparently, however, those paying for the funeral are not always informed ahead of time that viewing the burial will cost an additional amount. Reportedly, they find out when they are billed for the entire funeral. Some believe that cemeteries should be prohibited from charging an extra fee to view a burial.

CONTENT

The bills would amend various acts regulating cemeteries to prohibit corporations and registrants regulated by the acts from charging a fee to witness the lowering of a casket into the ground. House Bill 5258 would amend Public Act 12 of 1869, which regulates corporations formed to establish rural cemeteries. House Bill 5259 would amend Public Act 87 of 1855, which governs burial grounds. House Bill 5260 would amend the Cemetery Regulation Act.

Proposed MCL 456.114a (H.B. 5258)
Proposed MCL 456.34a (H.B. 5259)
Proposed MCL 456.535a (H.B. 5260)

SENATE COMMITTEE ACTION

The Senate Economic Development, International Trade and Regulatory Affairs Committee adopted amendments to all three bills to specify that the corporations and registrants would be prohibited from charging a fee to witness the lowering of a casket into the ground. The House-passed versions of the bills would have prohibited the corporations and registrants from charging a fee to witness a burial.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

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. Charging a family, after the fact, an extra fee to view a burial is inconsiderate, if not unethical. By specifically barring cemeteries from charging a fee to witness a burial, the bills would make it incumbent upon cemetery operators to anticipate such requests when scheduling funerals and inform the family or friends of the deceased of any extra viewing costs before the funeral.

Response: The bills are not needed since families are informed of all costs before a funeral and internment. Typically, funeral directors will ask the family or friends of the deceased if they want a chapel service or a graveside service, and will then inform the cemetery of the service preference. Since more preparation is necessary if the service is to be held graveside--e.g., securing the area around the open grave so no one falls in and erecting tents, chairs and other furnishings at the site--a graveside service costs more than a chapel service. In order to avoid any misunderstanding concerning the wishes of the deceased's family or friends and any consequent changes in preparations and costs for the service, many, if not all, cemeteries now require "pre-siting". In other words, cemeteries typically request the families and friends to visit the cemetery and review their service preferences with the cemetery operator to ensure that no last

minute changes must be made to the gravesite or to the furnishings at the site, i.e., changes that would necessitate cost adjustments.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: R. Abent

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.