

Legislative Analysis



CREMATORIUM: ALLOW MORTGAGE OR LIEN

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4456

Sponsor: Rep. Hugh Crawford

Committee: Regulatory Reform

Complete to 3-22-11

A SUMMARY OF HOUSE BILL 4456 AS INTRODUCED 3-17-11

The bill would allow a mortgage, lien, or other encumbrance to be executed upon the lands or buildings of a crematorium.

Under a 1915 law, a corporation can be formed to provide for the disposal by cremation of the bodies of the dead. The corporation may purchase land for a crematorium, columbarium, or both. A crematorium is the furnace or establishment used for cremating the dead. A columbarium is a building with niches for urns that hold the ashes of the dead.

The act prohibits a mortgage or other lien or encumbrance from being executed upon the lands or buildings of the corporation that are actually used for the disposal of the dead. This would include both crematoria and columbaria.

House Bill 4456 would amend Public Act 58 of 1915 to delete the provision prohibiting a mortgage or other lien or encumbrance from being executed upon the lands or buildings of a corporation. Instead, the bill would specify that a mortgage or other lien or encumbrance could not be executed upon the lands or buildings of a columbarium. Thus, under the bill, it appears that a mortgage or other lien or encumbrance could be executed upon the lands or buildings of a crematorium.

MCL 456.206

FISCAL IMPACT:

The bill would have no apparent fiscal impact.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Mark Wolf

■ 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.