

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4456

A bill to amend 1915 PA 58, entitled

"An act to provide for the incorporation of cremation companies and associations; and to impose certain duties upon the department of commerce,"

by amending section 6 (MCL 456.206).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) A CORPORATION SHALL HAVE THE POWER TO ACQUIRE LAND
2 THAT IS NECESSARY AND APPROPRIATE FOR ITS PURPOSES.

3 (2) ~~No mortgage or other lien or encumbrance, shall be~~
4 ~~executed upon the lands or buildings of such corporation actually~~
5 ~~used for the disposal of the dead as specified in the provisions of~~
6 ~~this act.~~ A MORTGAGE OR OTHER LIEN OR ENCUMBRANCE SHALL NOT BE
7 EXECUTED UPON THE LANDS OR BUILDINGS OF A COLUMBARIUM.

8 (3) A MORTGAGE OR OTHER LIEN OR ENCUMBRANCE MAY BE EXECUTED ON
9 THE LAND OR BUILDINGS THAT ARE NOT UNDER OR PART OF A COLUMBARIUM

1 IF, AND ONLY IF, THE CORPORATION, LANDLORD, MORTGAGEE, OR LENDER
2 FILES AND MAINTAINS IN FORCE A CORPORATE SURETY BOND AND A CASH
3 BOND THAT ARE CONDITIONED UPON THE FAITHFUL PERFORMANCE OF ALL
4 CREMATIONS AND DISPOSITIONS OF CREMATED REMAINS CONTRACTED FOR, BY,
5 OR ON BEHALF OF THE CORPORATION THAT OWNS THE CREMATORIUM. THE SUM
6 TOTAL OF THE SURETY BOND AND CASH BOND SHALL NOT BE LESS THAN
7 \$100,000.00. THE SURETY BOND AND CASH BOND SHALL BE FOR THE BENEFIT
8 OF THE STATE OF MICHIGAN TO ENSURE THE PERFORMANCE OF THE CREMATION
9 AND THE DISPOSITION OF CREMATED REMAINS CONTRACTED FOR, BY, OR ON
10 BEHALF OF THE CORPORATION THAT OWNS THE CREMATORIUM. IF LAND OR
11 BUILDINGS ARE LEASED PURSUANT TO THIS SUBSECTION, THE DURATION OF
12 THE LEASE SHALL BE FOR NOT LESS THAN 5 YEARS.

13 Enacting section 1. Section 4 of 1915 PA 58, MCL 456.204, is
14 repealed.