

**SUBSTITUTE FOR  
HOUSE BILL NO. 6035**

A bill to amend 1869 PA 12, entitled

"An act to authorize and encourage the formation of corporations to establish rural cemeteries; to provide for the care and maintenance thereof; to provide for the revision and codification of the laws relating to cemeteries, mausoleums, crypts, vaults, crematoriums, and other means of disposing of the dead; to make an appropriation therefor; and to impose certain duties upon the department of commerce,"

by amending section 7a (MCL 456.107a), as amended by 2003 PA 90.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7a. (1) The fund required to be set aside under section 7  
2       for perpetual care regarding cemeteries established after March 10,  
3       1967, or mausoleums which are not located in the confines of a  
4       dedicated cemetery and are established after March 10, 1967, shall  
5       be created by the deposit of ~~\$25,000.00~~ **\$75,000.00** into the fund  
6       before any sale of burial rights, entombment rights or columbarium  
7       rights is made.

8       (2) With respect to all cemeteries or mausoleums, whether

1 established before or after March 10, 1967, the fund shall be added  
2 to by payment, perpetually, each month of not less than 15% of all  
3 proceeds received during the previous month from the sales of  
4 burial rights, entombment rights, or columbarium rights made after  
5 March 10, 1967. No total deposit for a single adult burial right  
6 sale or assignment shall be less than \$20.00. Notwithstanding the  
7 minimum amount required to be paid into the endowment fund from the  
8 proceeds of sales of lots or burial rights, any cemetery that has  
9 an endowment fund of more than ~~\$125,000.00~~ **\$750,000.00** and  
10 exceeding ~~\$10,000.00~~ **\$60,000.00** per acre of the developed portion  
11 of the cemetery, may apply to the cemetery ~~commission~~ **COMMISSIONER**  
12 for a waiver of the 15% or \$20.00 minimum requirement. The cemetery  
13 ~~commission~~ **COMMISSIONER** shall take testimony and investigate as it  
14 considers advisable pursuant to the application. If the cemetery  
15 ~~commission~~ **COMMISSIONER** determines that the applicant has an  
16 endowment fund of more than ~~\$125,000.00~~ **\$750,000.00** and exceeding  
17 ~~\$10,000.00~~ **\$60,000.00** per acre of the developed portion of the  
18 cemetery and that the income from the fund is sufficient to meet  
19 the then current cost of keeping the applicant's cemetery in good  
20 condition, it shall grant a waiver of the 15% and \$20.00 minimum  
21 requirement and it shall grant appropriate modifications with  
22 respect to contributions to the fund.

23 (3) No portion of the funds required to be set aside under  
24 section 7 shall be used directly or indirectly for salaries of the  
25 officers or directors of the cemetery association or corporation  
26 and only the earnings from the funds shall be used for perpetual  
27 care.

1           (4) The endowment care fund may be administered by the board  
2 of directors itself, or by the trustees, individual or corporate,  
3 as it may select under the terms of a trust instrument or  
4 declaration. If it selects trustees to administer the fund, its  
5 liability shall be limited to reasonable care in the selection.  
6 Directors may serve as trustees if at least 2 members of the board  
7 are selected.

8           (5) The funds established under this section shall be invested  
9 subject to section 7302 of the estates and protected individuals  
10 code, 1998 PA 386, MCL 700.7302, **AND ARE SUBJECT TO THE**  
11 **PRESCRIPTIONS OF THE CEMETERY REGULATION ACT, 1968 PA 251, MCL**  
12 **456.521 TO 456.543.**

13           (6) In addition to all other remedies at law or in equity that  
14 any interested party may have, the attorney general and the circuit  
15 court of the county in which the cemetery is located shall have all  
16 the powers and jurisdiction granted to the attorney general and  
17 court as to trusts covered by 1915 PA 280, MCL 554.351 to 554.353.  
18 The remedies granted include all endowment care fund trusts without  
19 regard to uncertainty or indefiniteness of its beneficiaries.

20           (7) As used in this section, "perpetual care" means all  
21 general work necessary to keep the cemetery property in a  
22 presentable condition at all times, including, but not limited to,  
23 the cutting of grass at reasonable intervals; raking, cleaning,  
24 filling, seeding, and sodding of graves; replacement, pruning, or  
25 removal of shrubs and trees in order to assure access to interment  
26 rights; and the repair and maintenance of enclosures, buildings,  
27 drives, walks, and the various memorial gardens.

1           Enacting section 1. This amendatory act does not take effect  
2 unless House Bill No. 6033 of the 94th Legislature is enacted into  
3 law.