

# HOUSE BILL No. 6039

May 1, 2008, Introduced by Reps. Bieda, Sak, Farrah, Virgil Smith, Shaffer, Wojno, Hammon, Accavitti, Amos, Pavlov, Knollenberg, Condino, Green, Meadows, Dean and Cushingberry and referred to the Committee on Regulatory Reform.

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 1 (MCL 456.101).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. ~~(1) That any number of persons not~~ **NOT** less than 10  
2       **PERSONS**, ~~who shall~~ by articles of agreement in writing, **MAY**  
3       associate themselves according to the provisions of this act ~~7~~  
4       under any name assumed by them ~~7~~ for the purpose of purchasing land  
5       for a cemetery in this state ~~7~~ and for fencing, laying out,  
6       improving, maintaining, and establishing ~~the same and who shall~~  
7       ~~comply~~ **A CEMETERY. UPON COMPLIANCE** with sections 2 and 3, ~~of this~~

1 ~~act, THOSE PERSONS~~ shall, with their successors and assigns,  
2 constitute a body politic or corporate, under the name assumed by  
3 ~~them in their articles of association, + Provided, however, That~~  
4 **EXCEPT THAT** no 2 corporations shall assume the same name.

5 (2) A CORPORATION FORMED FOR THE PURPOSE DESCRIBED IN  
6 SUBSECTION (1) MAY BE FORMED UNDER THE BUSINESS CORPORATION ACT,  
7 1972 PA 284, MCL 450.1101 TO 450.2098, INSTEAD OF UNDER THIS ACT.

8 (3) THE CEMETERY COMMISSIONER, AS FURTHER DESCRIBED IN THE  
9 CEMETERY REGULATION ACT, 1968 PA 251, MCL 456.521 TO 456.543, HAS  
10 AUTHORITY TO INVESTIGATE A CORPORATION FORMED UNDER THIS ACT FOR  
11 VIOLATIONS OF THIS ACT REGARDING THE TRUSTING OR ESCROWING OF MONEY  
12 UNDER THIS ACT FOR ANY PURPOSE.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No.\_\_\_\_ or House Bill No. 6033(request no.  
15 03313'07 \*\*) of the 94th Legislature is enacted into law.