

8A: 4-5

9/25/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 8A:4-5 and 8A:7-3 (Cemetery plots--resale--omit certain restrictions & fees)

LAWS OF: 1986

CHAPTER 46

BILL NO: A428

Sponsor(s): Doyle and Ford

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety & Defense

Senate: Labor, Industry and Professions

Amended during passage: Yes Amendments during passage dneoted by asterisks.

Date of Passage: Assembly: February 10, 1986

Senate: June 2, 1986

Date of Approval: July 9, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

QUARTER 46 LEGISLATURE OF N. J. 86
APPROVED 1-9-86

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ASSEMBLY, No. 428

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman DOYLE

AN ACT concerning cemeteries and amending N. J. S. 8A:4-5 and
N. J. S. 8A:7-3.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 8A:4-5 is amended to read as follows:

2 8A:4-5. The cemetery company shall collect and pay into the
3 Maintenance and Preservation Fund the following fees and
4 charges:

5 a. From the proceeds in the initial sale by a cemetery company
6 a sum equal to a minimum of 15% of the gross sales price of the
7 lot or grave or \$25.00 per grave, whichever is greater; provided,
8 however, that no cemetery company shall be prevented from pay-
9 ing into the Maintenance and Preservation Fund an amount greater
10 than 15% of the gross sales price of the lot or grave; **on resale,*
11 *except upon resale made to the cemetery company in accordance*
12 *with the provisions of this act, a minimum of 15% of the gross*
13 *sales price of the interment space, provided that a credit toward*
14 *the 15% required contribution shall be given for any amount pre-*
15 *viously deposited into the Maintenance and Preservation Fund or*
16 *other trust fund which subsequently became a part of the Mainte-*
17 *nance and Preservation Fund under N. J. S. 8A:4-6;** **[on resale,**
18 **except upon resale made to the cemetery company in accordance**
19 **with the provisions of this act, a minimum of 15% of the gross sales**
20 **price of the interment space;]**

21 b. From the proceeds at the time of interment a minimum of
22 \$10.00 for each interment;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted January 27, 1986.**

23 c. A minimum of \$0.05 per square inch of surface area of the
24 base of a memorial;

25 d. From the proceeds at the time of the initial sale by a cemetery
26 company a minimum of 10% of the sale price of crypts or niches
27 in a public mausoleum or columbarium which shall be in addition
28 to any other funds required by law; **on resale, except upon resale*
29 *made to the cemetery company in accordance with the provisions*
30 *of this act, a minimum of 10% of the gross sales price of the in-*
31 *terment space, provided that a credit toward the 10% required*
32 *contribution shall be given for any amount previously deposited*
33 *in the Maintenance and Preservation Fund or other trust fund*
34 *which subsequently became a part of the Maintenance and Preserva-*
35 *tion Fund under N. J. S. 8A:4-6; ***[**on resale, except upon resale*
36 *made to the cemetery company in accordance with the provisions*
37 *of this act, a minimum of 10% of the gross sale price of the inter-*
38 *ment space;]*

39 e. **[**Resale for purposes of subparagraphs a. and d. above shall,
40 except for transfers of heirs or next of kin which shall be at the
41 price set forth in an affidavit executed by the vendor and vendee,
42 mean the selling price for interment spaces in existence at the time
43 of transfer as had been established by the cemetery company**]**
44 ****[Deleted by amendment, P. L., c. (now pending***
45 *before the Legislature as this bill]* **Resale for purposes of sub-*
46 *paragraphs a. and d. above shall, except for transfers to heirs or*
47 *next of kin which shall be at the price set forth in an affidavit ex-*
48 *ecuted by the vendor and vendee, mean the selling price for in-*
49 *terment spaces in existence at the time of transfer as had been es-*
50 *tablished by the cemetery company*;**

51 f. Where prior to the effective date of this act cemetery
52 companies were under obligation by virtue of contracts or court
53 judgments to contribute percentages of the proceeds of land sales
54 to trust funds for maintenance and preservation, the charges re-
55 quired by **[section]** **subsection a. of N. J. S.* 8A:4-5 **[(a)]****
56 shall be reduced by the extent of the contribution percentages re-
57 quired by such prior contracts or court judgments.

1 2. N. J. S. 8A:7-3 is amended to read as follows:

2 8A:7-3. The owner of an interment space or an interest therein
3 in a cemetery owned by a cemetery company may, subject to the
4 provisions of this act, transfer and convey the same or part thereof
5 to any person or to the cemetery company having charge of the
6 cemetery in which the interment space is situated. **Before any such*
7 *transfer or conveyance is made, the board of managers, directors*

8 *or trustees shall authorize the same by a vote of at least three-fifths*
9 *of the board at a regularly called meeting. Consent to such trans-*
10 *fers shall not be unreasonably withheld by the cemetery company.**

11 **【Before any such transfer or conveyance is made, the board of**
12 **managers, directors or trustees shall authorize the same by a vote**
13 **of at least three-fifths of the board at a regularly called meeting.**
14 **Consent to such transfer shall not be unreasonably withheld by the**
15 **cemetery company.】**

1 3. This act shall take effect immediately.

PROPERTY

Amends the law concerning the fee on the resale of an interment
space to provide a credit.

25 e. [Resale for purposes of subparagraphs a. and d. above shall,
 26 except for transfers to heirs or next of kin which shall be at the
 27 price set forth in an affidavit executed by the vendor and vendee,
 28 mean the selling price for interment spaces in existence at the time
 29 of transfer as had been established by the cemetery company]
 30 *Deleted by amendment, P. L., c. (now pending*
 31 *before the Legislature as this bill);*

32 f. Where prior to the effective date of this act cemetery
 33 companies were under obligation by virtue of contracts or court
 34 judgments to contribute percentages of the proceeds of land sales
 35 to trust funds for maintenance and preservation, the charges re-
 36 quired by section 8A:4-5 (a) shall be reduced by the extent of the
 37 contribution percentages required by such prior contracts or court
 38 judgments.

1 2. N. J. S. 8A:7-3 is amended to read as follows:

2 8A:7-3. The owner of an interment space or an interest therein
 3 in a cemetery owned by a cemetery company may, subject to the
 4 provisions of this act, transfer and convey the same or part thereof
 5 to any person or to the cemetery company having charge of the
 6 cemetery in which the interment space is situated. [Before any
 7 such transfer or conveyance is made, the board of managers, direc-
 8 tors or trustees shall authorize the same by a vote of at least
 9 three-fifths of the board at a regularly called meeting. Consent
 10 to such transfer shall not be unreasonably withheld by the cemetery
 11 company.]

1 3. This act shall take effect immediately.

STATEMENT

This bill would amend the "New Jersey Cemetery Act," N. J. S. 8A:1-1 et seq. to omit the fees collected by cemetery companies and paid into the Maintenance and Preservation Fund upon resale of interment spaces and crypts. Under current law, there is a charge at the initial sale of the interment space or crypt and upon resale of that interment space or crypt. Additionally, the bill would permit owners of interment spaces to sell their spaces to any person. Under current law, the board of trustees of the cemetery company is required to authorize any transfer by a vote of at least three-fifths of the board.

It is the purpose of this bill to remedy an inequitable situation that exists for owners of cemetery plots. This bill would grant these persons the unfettered right to sell their cemetery plots without any additional charges and without the consent of the boards of trustees.

A428 (1986)

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 428

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1986

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Assembly Bill No. 428 with amendments.

As amended by the Assembly Law, Public Safety, Defense and Corrections Committee, Assembly Bill No. 428 amends the "New Jersey Cemetery Act," N. J. S. 8A:1-1 et seq., in order to allow for a credit toward the fee paid upon the resale of interment spaces and crypts into the Maintenance and Preservation Fund maintained by a cemetery company. Current law states that, upon the resale of a cemetery lot or grave, 15% of the gross sale price of the interment space is to be paid into the Maintenance and Preservation Fund. Upon the resale of a crypt or niche, 10% of the gross sale price of the interment space is to be paid into the fund.

This bill as amended would require the giving of credit toward the fee to be paid at a resale in the amount equal to the fee which had been paid into the fund on the initial sale of the interment space. The original version of the bill, prior to the amendments, would have eliminated the fee required upon the resale of the interment space.

In addition, the committee amendments reinsert a provision dealing with the approval by the cemetery company of a resale which the original version of the bill would have eliminated. With the committee amendments, current law would remain in effect. Specifically, the board of managers, directors or trustees of a cemetery would have to approve a resale by at least three-fifths of the board. Consent to the resale could not be unreasonably withheld.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 428

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STATE OF NEW JERSEY

DATED: MAY 12, 1986

The "New Jersey Cemetery Act," N. J. S. 8A:1-1 et seq., currently provides that, upon the resale of a cemetery lot or grave, 15% of the gross sale price of the interment space is to be paid into the Maintenance and Preservation Fund. Upon the resale of a crypt or niche, 10% of the gross sale price of the interment space is to be paid into the fund. This bill would require that a credit be given toward the fee to be paid at resale in an amount equal to the amount which previously had been deposited into the fund.