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**NEWSPAPER ARTICLES:** Yes

"Cemetery Owners Say Bills Could Force Some to Shut Down," The Record, 1-15-2013

LAW/RWH

P.L.2013, CHAPTER 194, *approved January 17, 2014*  
Senate, No. 780 (*First Reprint*)

1 AN ACT concerning cemetery companies and supplementing  
2 P.L.2003, c.261 (C.45:27-1 et al.).

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. <sup>1</sup>**[**No cemetery company authorized to operate a cemetery  
8 in this State pursuant to P.L.2003, c.261 (C.45:27-1 et al.),  
9 including any for-profit corporation, partnership, association or  
10 other private entity that is authorized to manage or operate a  
11 cemetery pursuant to section 1 of P.L.2006, c.26 (C.45:27-7.1),  
12 shall refuse to accept for interment human remains, notwithstanding  
13 that payment for the purchase of an interment space, or for any  
14 services rendered by the cemetery company, shall be limited to any  
15 allowance or payment for burial expenses available for recipients of  
16 Work First New Jersey pursuant to P.L.1997, c.38 (C.44:10-55 et  
17 seq.), Supplemental Security Income pursuant to title III of  
18 Pub.L.92-603 (42 U.S.C. s.1381 et seq.), and certain other persons  
19 specified to be eligible for such payments pursuant to  
20 N.J.A.C.10:90-8.1 et seq.

21 b. The interment of human remains pursuant to this section  
22 shall not entitle any person related to the decedent, or otherwise  
23 responsible for the interment of the decedent, to membership in the  
24 cemetery company or voting rights attendant thereto, as provided in  
25 section 10 of P.L.2003, c.261 (C.45:27-10).

26 c. The board may suspend or revoke the certificate of authority  
27 of any cemetery company, or any for-profit corporation,  
28 partnership, association or other private entity that is authorized by  
29 the board to manage or operate a cemetery in this State, which  
30 violates the provisions of this section. **[**The board shall establish a  
31 registry of cemetery companies that voluntarily agree to be included  
32 in a list of cemetery companies for whom payment for burial  
33 expenses available for recipients of Work First New Jersey pursuant  
34 to P.L.1997, c.38 (C.44:10-55 et seq.) and Supplemental Security  
35 Income pursuant to title III of Pub.L.92-603 (42 U.S.C. s.1381 et  
36 seq.), and certain other persons specified to be eligible for such  
37 payments pursuant to N.J.A.C.10:90-8.1 et seq., is sufficient for the  
38 purchase of an interment space and for any services rendered by the  
39 cemetery company. The board shall make the registry available to

**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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCM committee amendments adopted June 27, 2013.

1 the public on the board's internet website and, by request, to  
2 members of the public by other means.

3 b. Any cemetery company may volunteer to be included in the  
4 registry established pursuant to subsection a. of this section, and the  
5 board shall include any cemetery company in the registry that elects  
6 to be included, provided the cemetery company agrees to accept any  
7 allowance or payment for burial expenses available for recipients of  
8 Work First New Jersey pursuant to P.L.1997, c.38 (C.44:10-55 et  
9 seq.) and Supplemental Security Income pursuant to title III of  
10 Pub.L.92-603 (42 U.S.C. s.1381 et seq.), and certain other persons  
11 specified to be eligible for such payments pursuant to  
12 N.J.A.C.10:90-8.1 et seq., as full payment for the purchase of  
13 interment space and for any services rendered by the cemetery  
14 company. If, after electing to be included in the registry, a  
15 cemetery company requests to be removed from the registry, the  
16 board shall remove the cemetery company from the registry.

17 c. If a cemetery company elects to participate in the registry and  
18 accept payment pursuant to subsection b. of this section, the  
19 acceptance of that payment shall not: (1) entitle any person related  
20 to the decedent, or otherwise responsible for the interment of the  
21 decedent, to membership in the cemetery company or voting rights  
22 attendant thereto, as provided in section 10 of P.L.2003, c.261  
23 (C.45:27-10); (2) require the cemetery company to use an interment  
24 space in violation of any religious restrictions on the use of that  
25 space; or (3) permit any person related to the decedent, or otherwise  
26 responsible for the interment of the decedent, to select the particular  
27 interment space in which the human remains will be interred.<sup>1</sup>

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29 2. This act shall take effect immediately.

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34 Establishes registry of certain cemeteries that accept Work First  
35 New Jersey and SSI allowance for burial expenses.

# SENATE, No. 780

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator GERALD CARDINALE**

**District 39 (Bergen and Passaic)**

**SYNOPSIS**

Requires certain cemeteries to accept Work First New Jersey and SSI allowance for burial expenses.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 7/27/2012)**

1 AN ACT concerning cemetery companies and supplementing  
2 P.L.2003, c.261 (C.45:27-1 et al)

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. No cemetery company authorized to operate a cemetery  
8 in this State pursuant to P.L.2003, c.261 (C.45:27-1 et al), including  
9 any for-profit corporation, partnership, association or other private  
10 entity that is authorized to manage or operate a cemetery pursuant  
11 to section 1 of P.L.2006, c.26 (C.45:27-7.1), shall refuse to accept  
12 for interment human remains, notwithstanding that payment for the  
13 purchase of an interment space, or for any services rendered by the  
14 cemetery company, shall be limited to any allowance or payment  
15 for burial expenses available for recipients of Work First New  
16 Jersey pursuant to P.L.1997, c.38 (C.44:10-55 et seq.),  
17 Supplemental Security Income pursuant to title III of Pub.L.92-603  
18 (42 U.S.C. s.1381 et seq.), and certain other persons specified to be  
19 eligible for such payments pursuant to N.J.A.C.10:90-8.1 et seq.

20 b. The interment of human remains pursuant to this section  
21 shall not entitle any person related to the decedent, or otherwise  
22 responsible for the interment of the decedent, to membership in the  
23 cemetery company or voting rights attendant thereto, as provided in  
24 section 10 of P.L.2003, c.261 (C.45:27-10).

25 c. The board may suspend or revoke the certificate of authority  
26 of any cemetery company, or any for-profit corporation,  
27 partnership, association or other private entity that is authorized by  
28 the board to manage or operate a cemetery in this State, which  
29 violates the provisions of this section.

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31 2 This act shall take effect immediately.

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#### STATEMENT

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36 This bill requires cemeteries regulated by the New Jersey  
37 Cemetery Board to accept human remains for interment when the  
38 only means of payment available for the purchase of a grave or  
39 crypt, and for the services attendant to the interment, is the burial  
40 allowance permitted for recipients of benefits under the Work First  
41 New Jersey and Supplemental Security Income programs and  
42 certain other programs pursuant to regulations of the Department of  
43 Human Services. The board may suspend or revoke the certificate  
44 of authority of a cemetery which violates this requirement.

45 The bill specifically provides that interment of human remains  
46 pursuant to its provisions would not entitle any person related to the  
47 decedent, or otherwise responsible for the interment of the

**S780 WEINBERG, CARDINALE**

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- 1 decedent, to membership in the cemetery company or voting rights
- 2 attendant thereto, as otherwise provided by law.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### **SENATE, No. 780**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 27, 2013

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 780.

As introduced, the bill required that cemeteries regulated by the New Jersey Cemetery Board accept human remains for interment when the only means of payment available for the purchase of a grave or crypt, and for the services attendant to the interment, is the burial allowance permitted for recipients of benefits under the Work First New Jersey and Supplemental Security Income programs and certain other programs pursuant to regulations of the Department of Human Services. The committee amended the bill to remove this requirement.

As amended, the bill establishes a registry of cemetery companies that voluntarily agree to be included in a list of cemetery companies for whom burial expenses available for recipients of Work First New Jersey and Supplemental Security Income, and certain other persons specified to be eligible for such payments, is sufficient payment for the purchase of an interment space and for any services rendered by the cemetery company. The New Jersey Cemetery Board is required to make the registry available to the public on the board's internet website and, by request, to members of the public by other means.

The amended bill provides that any cemetery company may volunteer to be included in the registry. After electing to be included in the registry, a cemetery company may elect to be removed from the registry.

The bill, as amended, also stipulates that, if a cemetery company elects to participate in the registry and accept payment pursuant to the bill's provisions, the acceptance of that payment shall not: (1) entitle any person related to the decedent, or otherwise responsible for the interment of the decedent, to membership in the cemetery company or voting rights attendant thereto; (2) require the cemetery company to use an interment space in violation of any religious restrictions on the use of that space; or (3) permit any person related to the decedent, or otherwise responsible for the interment of the decedent, to select the particular interment space in which the human remains will be interred.



This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 2352

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman GARY S. SCHAER**

**District 36 (Bergen and Passaic)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Requires certain cemeteries to accept Work First New Jersey and SSI allowance for burial expenses.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/28/2013)

1 AN ACT concerning cemetery companies and supplementing  
2 P.L.2003, c.261 (C.45:27-1 et seq.)

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. No cemetery company authorized to operate a cemetery  
8 in this State pursuant to P.L.2003, c.261 (C.45:27-1 et seq.),  
9 including any for-profit corporation, partnership, association or  
10 other private entity that is authorized to manage or operate a  
11 cemetery pursuant to section 1 of P.L.2006, c.26 (C.45:27-7.1),  
12 shall refuse to accept for interment human remains, notwithstanding  
13 that payment for the purchase of an interment space, or for any  
14 services rendered by the cemetery company, shall be limited to any  
15 allowance or payment for burial expenses available for recipients of  
16 Work First New Jersey pursuant to P.L.1997, c.38 (C.44:10-55 et  
17 seq.), Supplemental Security Income pursuant to Pub. L. 92-603 (42  
18 U.S.C. s.1381 et seq.), and certain other persons specified to be  
19 eligible for such payments pursuant to N.J.A.C. 10:90-8.1 et seq.

20 b. The interment of human remains pursuant to this section  
21 shall not entitle any person related to the decedent, or otherwise  
22 responsible for the interment of the decedent, to membership in the  
23 cemetery company or voting rights attendant thereto, as provided in  
24 section 10 of P.L.2003, c.261 (C.45:27-10).

25 c. The board may suspend or revoke the certificate of authority  
26 of any cemetery company, or any for-profit corporation,  
27 partnership, association or other private entity that is authorized by  
28 the board to manage or operate a cemetery in this State, which  
29 violates the provisions of this section.

30

31 2. This act shall take effect immediately.

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#### STATEMENT

35

36 This bill requires cemeteries regulated by the New Jersey  
37 Cemetery Board to accept human remains for interment when the  
38 only means of payment available for the purchase of a grave or  
39 crypt, and for the services attendant to the interment, is the burial  
40 allowance permitted for recipients of benefits under the Work First  
41 New Jersey and Supplemental Security Income programs and  
42 certain other programs pursuant to regulations of the Department of  
43 Human Services. The board may suspend or revoke the certificate  
44 of authority of a cemetery which violates this requirement.

45 The bill specifically provides that interment of human remains  
46 pursuant to its provisions would not entitle any person related to the  
47 decedent, or otherwise responsible for the interment of the

**A2352 JOHNSON, SCHAER**

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- 1 decedent, to membership in the cemetery company or voting rights
- 2 attendant thereto, as otherwise provided by law.

# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2352**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 18, 2013

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 2352.

As introduced, the bill required that cemeteries regulated by the New Jersey Cemetery Board accept human remains for interment when the only means of payment available for the purchase of a grave or crypt, and for the services attendant to the interment, is the burial allowance permitted for recipients of benefits under the Work First New Jersey and Supplemental Security Income programs and certain other programs pursuant to regulations of the Department of Human Services. The committee amended the bill to remove this requirement.

#### COMMITTEE AMENDMENTS:

As amended, this bill establishes a registry of cemetery companies that voluntarily agree to be included in a list of cemetery companies for whom burial expenses available for recipients of Work First New Jersey and Supplemental Security Income, and certain other persons specified to be eligible for such payments, is sufficient payment for the purchase of an interment space and for any services rendered by the cemetery company. The New Jersey Cemetery Board is required to make the registry available to the public on the board's internet website and, by request, to members of the public by other means.

The amended bill provides that any cemetery company may volunteer to be included in the registry. After electing to be included in the registry, a cemetery company may elect to be removed from the registry.

The bill, as amended, also stipulates that, if a cemetery company elects to participate in the registry and accept payment pursuant to the bill's provisions, the acceptance of that payment shall not: (1) entitle any person related to the decedent, or otherwise responsible for the interment of the decedent, to membership in the cemetery company or voting rights attendant thereto; (2) require the cemetery company to use an interment space in violation of any religious restrictions on the use of that space; or (3) permit any person related to the decedent, or

otherwise responsible for the interment of the decedent, to select the particular interment space in which the human remains will be interred.

As amended by the committee, this bill is identical to Senate Bill No. 780 (1R).