

# 45:27-7.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2006                    **CHAPTER:** 26

**NJSA:** 45:27-7.1        (Permits certain for-profit entities to manage or operate cemeteries)

**BILL NO:** A1711 (Substituted for S1447)

**SPONSOR(S)** Fisher and others

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**            **ASSEMBLY:** Regulated Professions and Independent Authorities

**SENATE:**

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** March 16, 2006

**SENATE:** May 18, 2006

**DATE OF APPROVAL:** June 22, 2006

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

#### A1711

**[SPONSOR'S STATEMENT:](#)** (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                    **[ASSEMBLY:](#)** [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

#### S1447

**[SPONSOR'S STATEMENT:](#)** (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**[SENATE:](#)** [Yes](#)

**[FLOOR AMENDMENT STATEMENT:](#)** [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

### FOLLOWING WERE PRINTED:

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

RWH 2/29/08

P.L. 2006, CHAPTER 26, *approved June 22, 2006*  
Assembly, No. 1711 (*First Reprint*)

1 AN ACT concerning the management and operation of cemeteries by  
2 certain entities and amending and supplementing P.L.2003,  
3 c.261.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) a. A for-profit corporation, partnership,  
9 association or other private entity that managed or operated a  
10 cemetery in this State prior to January 14, 2004, shall be issued a  
11 certificate of authority to manage or operate a cemetery by the New  
12 Jersey Cemetery Board and may continue to manage or operate that  
13 cemetery on or after that date, notwithstanding its for-profit status  
14 and shall be subject to all the applicable provisions of the "New  
15 Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.). A  
16 for-profit corporation, partnership, association or other private  
17 entity that managed or operated more than one cemetery in this  
18 State prior to January 14, 2004, shall be issued one certificate of  
19 authority pursuant to this subsection covering all such cemeteries.

20 b. On or after the effective date of this section, a for-profit  
21 corporation, partnership, association, or other private entity may,  
22 notwithstanding its for-profit status, apply to the board for, and may  
23 be granted, a <sup>1</sup>**[certifiicate] certificate**<sup>1</sup> of authority to <sup>1</sup>**[manage or**  
24 **operate] provide management services for**<sup>1</sup> a cemetery in this State  
25 and shall be subject to all the applicable provisions of the "New  
26 Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.).  
27

28 2. Section 13 of P.L.2003, c.261 (C.45:27-13) is amended to  
29 read as follows:

30 13. a. As a condition for the issuance of its certificate of  
31 authority to operate a cemetery, a cemetery company established  
32 after December 1, 1971 shall make an initial deposit of \$75,000 to  
33 its Maintenance and Preservation Fund. A cemetery company that  
34 operates or seeks to operate only a crematory shall not be required  
35 to make the \$75,000 initial trust fund deposit. A for-profit  
36 corporation, partnership, association or other private entity  
37 managing or operating a cemetery company pursuant to a certificate  
38 of authority granted under section 1 of P.L. , c. (C. ) (now  
39 before the Legislature as this bill) shall not be required to make that  
40 initial deposit of \$75,000 to its Maintenance and Preservation Fund;  
41 however the cemetery company and the for-profit corporation,  
42 partnership, association or other private entity shall be jointly and  
43 severally liable for the maintenance and use of that Maintenance

**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>Assembly ARP committee amendments adopted March 13, 2006.

1 and Preservation Fund.

2 b. A cemetery company established before December 1, 1971  
3 shall transfer into the Maintenance and Preservation Fund any funds  
4 established for the maintenance and preservation of the cemetery  
5 and any additional amount set by the board.

6 c. A cemetery company shall collect and pay into the  
7 Maintenance and Preservation Fund the following fees and charges:

8 (1) on the initial sale by a cemetery company of each grave,  
9 15% of the gross sales price;

10 (2) 10% of the initial sales price of a crypt or niche in a public  
11 mausoleum or columbarium;

12 (3) on bulk sales of graves, 15% of the current retail gross sale  
13 price of comparable graves;

14 (4) on bulk sales of crypts or niches, 10% of the current retail  
15 gross sale price of comparable crypts or niches;

16 (5) on transfer of a grave, 15% of the current gross sales price of  
17 equivalent graves, less any amounts previously paid to the  
18 Maintenance and Preservation Fund on sales of that grave;

19 (6) on transfer of a crypt or niche, 15% of the current gross sales  
20 price of equivalent crypts or niches, less any amounts previously  
21 paid to the Maintenance and Preservation Fund on sales of that  
22 crypt or niche;

23 (7) for each interment or for the placement of cremated human  
24 remains, 3% of the charge for the interment or placement or \$20,  
25 whichever is more;

26 (8) for a foundation, base or installation, 10% of the charge for  
27 the foundation, base or installation, or \$20, whichever is more.

28 For the purposes of paragraphs (5) and (6) of this subsection,  
29 "transfer" shall not include sales to the cemetery company or to the  
30 next of kin.

31 d. Monies required to be deposited into the Maintenance and  
32 Preservation Fund shall be paid to the fund on a monthly basis.  
33 Such deposits shall be made by the last day of the month following  
34 the month in which the monies were received. In the event of an  
35 installment sale of a grave, crypt or niche, the cemetery company  
36 may make the required deposit at the time the deed is issued or  
37 when the payments are received.

38 e. A cemetery company may make additional payments or  
39 accept contributions into the Maintenance and Preservation Fund.

40 (cf: P.L.2003, c.261, s.13)

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42 3. This act shall take effect immediately.

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47 Permits certain for-profit entities to manage or operate  
48 cemeteries.

**ASSEMBLY, No. 1711**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman DOUGLAS H. FISHER**  
**District 3 (Salem, Cumberland and Gloucester)**  
**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Salem, Cumberland and Gloucester)**  
**Assemblyman NEIL M. COHEN**  
**District 20 (Union)**

**Co-Sponsored by:**

**Assemblymen Diegnan, Vas, Panter, Connors and Conaway**

**SYNOPSIS**

Permits certain for-profit entities to manage or operate cemeteries.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 3/10/2006)**

1 AN ACT concerning the management and operation of cemeteries by  
2 certain entities and amending and supplementing P.L.2003,  
3 c.261.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) a. A for-profit corporation, partnership,  
9 association or other private entity that managed or operated a  
10 cemetery in this State prior to January 14, 2004, shall be issued a  
11 certificate of authority to manage or operate a cemetery by the New  
12 Jersey Cemetery Board and may continue to manage or operate that  
13 cemetery on or after that date, notwithstanding its for-profit status  
14 and shall be subject to all the applicable provisions of the "New  
15 Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.). A  
16 for-profit corporation, partnership, association or other private  
17 entity that managed or operated more than one cemetery in this  
18 State prior to January 14, 2004, shall be issued one certificate of  
19 authority pursuant to this subsection covering all such cemeteries.

20 b. On or after the effective date of this section, a for-profit  
21 corporation, partnership, association, or other private entity may,  
22 notwithstanding its for-profit status, apply to the board for, and may  
23 be granted, a certificate of authority to manage or operate a  
24 cemetery in this State and shall be subject to all the applicable  
25 provisions of the "New Jersey Cemetery Act, 2003," P.L.2003,  
26 c.261 (C.45:27-1 et seq.).  
27

28 2. Section 13 of P.L.2003, c.261 (C.45:27-13) is amended to  
29 read as follows:

30 13. a. As a condition for the issuance of its certificate of  
31 authority to operate a cemetery, a cemetery company established  
32 after December 1, 1971 shall make an initial deposit of \$75,000 to  
33 its Maintenance and Preservation Fund. A cemetery company that  
34 operates or seeks to operate only a crematory shall not be required  
35 to make the \$75,000 initial trust fund deposit. A for-profit  
36 corporation, partnership, association or other private entity  
37 managing or operating a cemetery company pursuant to a certificate  
38 of authority granted under section 1 of P.L. , c. (C. ) (now  
39 before the Legislature as this bill) shall not be required to make that  
40 initial deposit of \$75,000 to its Maintenance and Preservation Fund;  
41 however the cemetery company and the for-profit corporation,  
42 partnership, association or other private entity shall be jointly and  
43 severally liable for the maintenance and use of that Maintenance  
44 and Preservation Fund.

45 b. A cemetery company established before December 1, 1971

**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.

1 shall transfer into the Maintenance and Preservation Fund any funds  
2 established for the maintenance and preservation of the cemetery  
3 and any additional amount set by the board.

4 c. A cemetery company shall collect and pay into the  
5 Maintenance and Preservation Fund the following fees and charges:

6 (1) on the initial sale by a cemetery company of each grave,  
7 15% of the gross sales price;

8 (2) 10% of the initial sales price of a crypt or niche in a public  
9 mausoleum or columbarium;

10 (3) on bulk sales of graves, 15% of the current retail gross sale  
11 price of comparable graves;

12 (4) on bulk sales of crypts or niches, 10% of the current retail  
13 gross sale price of comparable crypts or niches;

14 (5) on transfer of a grave, 15% of the current gross sales price of  
15 equivalent graves, less any amounts previously paid to the  
16 Maintenance and Preservation Fund on sales of that grave;

17 (6) on transfer of a crypt or niche, 15% of the current gross sales  
18 price of equivalent crypts or niches, less any amounts previously  
19 paid to the Maintenance and Preservation Fund on sales of that  
20 crypt or niche;

21 (7) for each interment or for the placement of cremated human  
22 remains, 3% of the charge for the interment or placement or \$20,  
23 whichever is more;

24 (8) for a foundation, base or installation, 10% of the charge for  
25 the foundation, base or installation, or \$20, whichever is more.

26 For the purposes of paragraphs (5) and (6) of this subsection,  
27 "transfer" shall not include sales to the cemetery company or to the  
28 next of kin.

29 d. Monies required to be deposited into the Maintenance and  
30 Preservation Fund shall be paid to the fund on a monthly basis.  
31 Such deposits shall be made by the last day of the month following  
32 the month in which the monies were received. In the event of an  
33 installment sale of a grave, crypt or niche, the cemetery company  
34 may make the required deposit at the time the deed is issued or  
35 when the payments are received.

36 e. A cemetery company may make additional payments or  
37 accept contributions into the Maintenance and Preservation Fund.

38 (cf: P.L.2003, c.261, s.13)

39

40 3. This act shall take effect immediately.

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#### STATEMENT

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45 This bill provides that a for-profit corporation, partnership,  
46 association or other private entity that managed or operated a  
47 cemetery prior to January 14, 2004, shall be issued a certificate of  
48 authority by the New Jersey Cemetery Board and may continue to

A1711 FISHER, BURZICHELLI

1 manage or operate that cemetery on or after that date,  
2 notwithstanding its for-profit status and shall be subject to all the  
3 applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.  
4 2003, c. 261 (C. 45:27-1 et seq.). A for-profit entity that managed  
5 or operated more than one cemetery in this State prior to January  
6 14, 2004, shall be issued one certificate of authority covering all  
7 such cemeteries.

8 The bill also stipulates that a for-profit corporation, partnership,  
9 association or other private entity, may, notwithstanding its for-  
10 profit status, apply to the board for, and may be granted, a  
11 certificate of authority to manage or operate a cemetery in New  
12 Jersey.

13 In addition, the bill stipulates that a for-profit corporation,  
14 partnership, association or other private entity managing or  
15 operating a cemetery company pursuant to its provisions shall not  
16 be required to make that initial deposit of \$75,000 to its  
17 Maintenance and Preservation Fund; however the cemetery  
18 company and the for-profit corporation, partnership, association or  
19 other private entity shall be jointly and severally liable for the  
20 maintenance and use of that Maintenance and Preservation Fund.



ASSEMBLY REGULATED PROFESSIONS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1711**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 13, 2006

The Assembly Regulated Professions and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 1711.

As amended, this bill provides that a for-profit corporation, partnership, association or other private entity that managed or operated a cemetery prior to January 14, 2004, shall be issued a certificate of authority by the New Jersey Cemetery Board and may continue to manage or operate that cemetery on or after that date, notwithstanding its for-profit status and shall be subject to all the applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.). A for-profit entity that managed or operated more than one cemetery in this State prior to January 14, 2004 shall be issued one certificate of authority covering all such cemeteries.

The bill also stipulates that a for-profit corporation, partnership, association or other private entity, may, notwithstanding its for-profit status, apply to the board for, and may be granted, a certificate of authority to provide management services for a cemetery in New Jersey.

In addition, the bill stipulates that a for-profit corporation, partnership, association or other private entity managing or operating a cemetery company pursuant to its provisions shall not be required to make an initial deposit of \$75,000 to its Maintenance and Preservation Fund; however the cemetery company and the for-profit corporation, partnership, association or other private entity shall be jointly and severally liable for the maintenance and use of that Maintenance and Preservation Fund.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that for-profit corporations, partnerships, associations or other private entities may

apply to the New Jersey Cemetery Board and be granted a certificate of authority to provide management services for a cemetery, rather than manage or operate a cemetery, as originally provided in the bill.

# SENATE, No. 1447

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 27, 2006

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Co-Sponsored by:**

**Senator Sweeney**

**SYNOPSIS**

Permits certain for-profit entities to manage or operate cemeteries.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/28/2006)**

1 AN ACT concerning the management and operation of cemeteries by  
2 certain entities and amending and supplementing P.L.2003,  
3 c.261.

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

7  
8 1. (New section) a. A for-profit corporation, partnership,  
9 association or other private entity that managed or operated a  
10 cemetery in this State prior to January 14, 2004, shall be issued a  
11 certificate of authority to manage or operate a cemetery by the New  
12 Jersey Cemetery Board and may continue to manage or operate that  
13 cemetery on or after that date, notwithstanding its for-profit status  
14 and shall be subject to all the applicable provisions of the "New  
15 Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.). A  
16 for-profit corporation, partnership, association or other private  
17 entity that managed or operated more than one cemetery in this  
18 State prior to January 14, 2004, shall be issued one certificate of  
19 authority pursuant to this subsection covering all such cemeteries.

20 b. On or after the effective date of this section, a for-profit  
21 corporation, partnership, association, or other private entity may,  
22 notwithstanding its for-profit status, apply to the board for, and may  
23 be granted, a certificate of authority to manage or operate a  
24 cemetery in this State and shall be subject to all the applicable  
25 provisions of the "New Jersey Cemetery Act, 2003," P.L.2003,  
26 c.261 (C.45:27-1 et seq.).

27  
28 2. Section 13 of P.L.2003, c.261 (C.45:27-13) is amended to  
29 read as follows:

30 13. a. As a condition for the issuance of its certificate of  
31 authority to operate a cemetery, a cemetery company established  
32 after December 1, 1971 shall make an initial deposit of \$75,000 to  
33 its Maintenance and Preservation Fund. A cemetery company that  
34 operates or seeks to operate only a crematory shall not be required  
35 to make the \$75,000 initial trust fund deposit. A for-profit  
36 corporation, partnership, association or other private entity  
37 managing or operating a cemetery company pursuant to a certificate  
38 of authority granted under section 1 of P.L. , c. (C. ) (now  
39 before the Legislature as this bill) shall not be required to make that  
40 initial deposit of \$75,000 to its Maintenance and Preservation Fund;  
41 however the cemetery company and the for-profit corporation,  
42 partnership, association or other private entity shall be jointly and  
43 severally liable for the maintenance and use of that Maintenance  
44 and Preservation Fund.

45 b. A cemetery company established before December 1, 1971

**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.**

1 shall transfer into the Maintenance and Preservation Fund any funds  
2 established for the maintenance and preservation of the cemetery  
3 and any additional amount set by the board.

4 c. A cemetery company shall collect and pay into the  
5 Maintenance and Preservation Fund the following fees and charges:

6 (1) on the initial sale by a cemetery company of each grave,  
7 15% of the gross sales price;

8 (2) 10% of the initial sales price of a crypt or niche in a public  
9 mausoleum or columbarium;

10 (3) on bulk sales of graves, 15% of the current retail gross sale  
11 price of comparable graves;

12 (4) on bulk sales of crypts or niches, 10% of the current retail  
13 gross sale price of comparable crypts or niches;

14 (5) on transfer of a grave, 15% of the current gross sales price of  
15 equivalent graves, less any amounts previously paid to the  
16 Maintenance and Preservation Fund on sales of that grave;

17 (6) on transfer of a crypt or niche, 15% of the current gross sales  
18 price of equivalent crypts or niches, less any amounts previously  
19 paid to the Maintenance and Preservation Fund on sales of that  
20 crypt or niche;

21 (7) for each interment or for the placement of cremated human  
22 remains, 3% of the charge for the interment or placement or \$20,  
23 whichever is more;

24 (8) for a foundation, base or installation, 10% of the charge for  
25 the foundation, base or installation, or \$20, whichever is more.

26 For the purposes of paragraphs (5) and (6) of this subsection,  
27 "transfer" shall not include sales to the cemetery company or to the  
28 next of kin.

29 d. Monies required to be deposited into the Maintenance and  
30 Preservation Fund shall be paid to the fund on a monthly basis.  
31 Such deposits shall be made by the last day of the month following  
32 the month in which the monies were received. In the event of an  
33 installment sale of a grave, crypt or niche, the cemetery company  
34 may make the required deposit at the time the deed is issued or  
35 when the payments are received.

36 e. A cemetery company may make additional payments or  
37 accept contributions into the Maintenance and Preservation Fund.

38 (cf: P.L.2003, c.261, s.13)

39

40 3. This act shall take effect immediately.

41

42

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#### STATEMENT

44

45 This bill provides that a for-profit corporation, partnership,  
46 association or other private entity that managed or operated a  
47 cemetery prior to January 14, 2004, shall be issued a certificate of  
48 authority by the New Jersey Cemetery Board and may continue to

1 manage or operate that cemetery on or after that date,  
2 notwithstanding its for-profit status and shall be subject to all the  
3 applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.  
4 2003, c. 261 (C. 45:27-1 et seq.). A for-profit entity that managed  
5 or operated more than one cemetery in this State prior to January  
6 14, 2004, shall be issued one certificate of authority covering all  
7 such cemeteries.

8 The bill also stipulates that a for-profit corporation, partnership,  
9 association or other private entity, may, notwithstanding its for-  
10 profit status, apply to the board for, and may be granted, a  
11 certificate of authority to manage or operate a cemetery in New  
12 Jersey.

13 In addition, the bill stipulates that a for-profit corporation,  
14 partnership, association or other private entity managing or  
15 operating a cemetery company pursuant to its provisions shall not  
16 be required to make that initial deposit of \$75,000 to its  
17 Maintenance and Preservation Fund; however the cemetery  
18 company and the for-profit corporation, partnership, association or  
19 other private entity shall be jointly and severally liable for the  
20 maintenance and use of that Maintenance and Preservation Fund.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 1447

# STATE OF NEW JERSEY

DATED: MARCH 6, 2006

The Senate Commerce Committee reports favorably Senate Bill No. 1447.

This bill provides that a for-profit corporation, partnership, association or other private entity that managed or operated a cemetery in this State prior to January 14, 2004 shall be issued a certificate of authority by the New Jersey Cemetery Board and may continue to manage or operate that cemetery on or after that date, notwithstanding its for-profit status, and shall be subject to all the applicable provisions of the "New Jersey Cemetery Act, 2003," P.L.2003, c.261 (C.45:27-1 et seq.). A for-profit entity that managed or operated more than one cemetery in this State prior to January 14, 2004 shall be issued one certificate of authority covering all such cemeteries.

The bill also stipulates that a for-profit corporation, partnership, association or other private entity, may, notwithstanding its for-profit status, apply to the board for, and may be granted, a certificate of authority to manage or operate a cemetery in New Jersey.

In addition, the bill stipulates that a for-profit corporation, partnership, association or other private entity managing or operating a cemetery company pursuant to its provisions shall not be required to make an initial deposit of \$75,000 to its Maintenance and Preservation Fund, as is generally required as a condition for cemetery companies to obtain a certificate of authority to operate a cemetery pursuant to section 13 of P.L.2003, c.261 (C.45:27-13). However, the cemetery company and the for-profit corporation, partnership, association or other private entity shall be jointly and severally liable for the maintenance and use of the for-profit entity's Maintenance and Preservation Fund.

STATEMENT TO

**SENATE, No. 1447**

with Senate Floor Amendments  
(Proposed By Senator CARDINALE)

ADOPTED: MARCH 20, 2006

The floor amendments to the bill provide that a for-profit corporation, partnership, association, or other private entity may apply to the New Jersey Cemetery Board for, and may be granted, a certificate of authority to “provide management services” for a cemetery, rather than “manage or operate” a cemetery, as originally provided in the underlying bill.

These floor amendments make the bill identical to its Assembly counterpart, Assembly, No. 1711(1R).