

# SB3065



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3065

Introduced 2/8/2010, by Sen. Donne E. Trotter

### SYNOPSIS AS INTRODUCED:

225 ILCS 411/75-55

Amends the Cemetery Oversight Act. Makes a technical change in a Section concerning transition.

LRB096 19278 ASK 34669 b

A BILL FOR

1 AN ACT concerning cemeteries.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Cemetery Oversight Act is amended by  
5 changing Section 75-55 as follows:

6 (225 ILCS 411/75-55)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 75-55. Transition.

9 (a) Within 60 days after the ~~the~~ effective date of this  
10 Act, the Comptroller shall provide the Department copies of  
11 records in the Comptroller's possession pertaining to the  
12 Cemetery Care Act and the Crematory Regulation Act that are  
13 necessary for the Department's immediate responsibilities  
14 under this Act. All other records pertaining to the Cemetery  
15 Care Act and the Crematory Regulation Act shall be transferred  
16 to the Department by March 1, 2012. In the case of records that  
17 pertain both to the administration of the Cemetery Care Act or  
18 the Crematory Regulation Act and to a function retained by the  
19 Comptroller, the Comptroller, in consultation with the  
20 Department, shall determine, within 60 days after the repeal of  
21 the Cemetery Care Act, whether the records shall be  
22 transferred, copied, or left with the Comptroller; until this  
23 determination has been made the transfer shall not occur.

1           (b) A person licensed under one of the Acts listed in  
2 subsection (a) of this Section or regulated under the Cemetery  
3 Association Act shall continue to comply with the provisions of  
4 those Acts until such time as the person is licensed under this  
5 Act or those Acts are repealed or the amendatory changes made  
6 by this amendatory Act of the 96th General Assembly take  
7 effect, as the case may be, whichever is earlier.

8           (c) To support the costs that may be associated with  
9 implementing and maintaining a licensure and regulatory  
10 process for the licensure and regulation of cemetery  
11 authorities, cemetery managers, customer service employees,  
12 and cemetery workers, all cemetery authorities not maintaining  
13 a full exemption or partial exemption shall pay a one-time fee  
14 of \$20 to the Department plus an additional charge of \$1 per  
15 burial unit per year within the cemetery. The Department may  
16 establish forms for the collection of the fee established under  
17 this subsection and shall deposit such fee into the Cemetery  
18 Oversight Licensing and Disciplinary Fund. The Department may  
19 begin to collect the aforementioned fee after the effective  
20 date of this Act. In addition, the Department may establish  
21 rules for the collection process, which may include, but shall  
22 not be limited to, dates, forms, enforcement, or other  
23 procedures necessary for the effective collection, deposit,  
24 and overall process regarding this Section.

25           (d) Any cemetery authority that fails to pay to the  
26 Department the required fee or submits the incorrect amount

1 shall be subject to the penalties provided for in Section  
2 25-110 of this Act.

3 (e) Except as otherwise specifically provided, all fees,  
4 fines, penalties, or other moneys received or collected  
5 pursuant to this Act shall be deposited in the Cemetery  
6 Oversight Licensing and Disciplinary Fund.

7 (f) All proportionate funds held in the Comptroller's  
8 Administrative Fund related to unexpended moneys collected  
9 under the Cemetery Care Act and the Crematory Regulation Act  
10 shall be transferred to the Cemetery Oversight Licensing and  
11 Disciplinary Fund within 60 days after the effective date of  
12 the repeal of the Cemetery Care Act.

13 (g) Personnel employed by the Comptroller on February 29,  
14 2012, to perform the duties pertaining to the administration of  
15 the Cemetery Care Act and the Crematory Regulation Act, are  
16 transferred to the Department on March 1, 2012.

17 The rights of State employees, the State, and its agencies  
18 under the Comptroller Merit Employment Code and applicable  
19 collective bargaining agreements and retirement plans are not  
20 affected under this Act, except that all positions transferred  
21 to the Department shall be subject to the Personnel Code  
22 effective March 1, 2012.

23 All transferred employees who are members of collective  
24 bargaining units shall retain their seniority, continuous  
25 service, salary, and accrued benefits. During the pendency of  
26 the existing collective bargaining agreement, the rights

1 provided for under that agreement shall not be abridged.

2       The Department shall continue to honor during their  
3 pendency all bargaining agreements in effect at the time of the  
4 transfer and to recognize all collective bargaining  
5 representatives for the employees who perform or will perform  
6 functions transferred by this Act. For all purposes with  
7 respect to the management of the existing agreement and the  
8 negotiation and management of any successor agreements, the  
9 Department shall be deemed the employer of employees who  
10 perform or will perform functions transferred to the Department  
11 by this Act.

12 (Source: P.A. 96-863, eff. 3-1-10.)