

HOUSE BILL No. 6041

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

A bill to amend 1915 PA 58, entitled

"An act to provide for the incorporation of cremation companies and associations; and to impose certain duties upon the department of commerce,"

by amending sections 1 and 3 (MCL 456.201 and 456.203), section 3 as amended by 1982 PA 114.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Five or more persons **MAY**, ~~who shall,~~ by articles
2 of agreement in writing, associate themselves according to the
3 provisions of this act ~~, under any name assumed by them,~~ for the
4 purpose of providing the necessary appliances for the disposal by
5 cremation of the bodies of the dead ~~, and for the purpose of~~
6 purchasing land for a crematorium or columbarium, or both, in this
7 state. ~~, and for~~ **THE PURPOSE OF THE CORPORATION MAY ALSO INCLUDE**

1 ~~THE~~ fencing, laying out, improving, establishing, and maintaining
 2 ~~said OF~~ land. ~~, and who shall comply~~ **UPON COMPLIANCE** with sections
 3 2, 3, and 4, ~~of this act,~~ **THOSE PERSONS** shall, with their
 4 successors and assigns, constitute a body politic or corporate,
 5 under the name assumed ~~by them~~ in their articles of association +
 6 ~~Provided, however, That~~ **EXCEPT THAT** no 2 corporations shall assume
 7 the same name.

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

11 Sec. 3. (1) Within 1 week after the organization of any
 12 corporation organized under this act, the secretary shall make out
 13 a certificate of the organization of such corporation, giving the
 14 information referred to in section 2, which certificate shall be
 15 signed by the president and secretary of ~~such~~ **THE** corporation, and
 16 shall ~~forthwith file such~~ **THE** certificate with the ~~corporation and~~
 17 ~~securities bureau~~ **OF COMMERCIAL SERVICES** of the department of
 18 ~~commerce~~ **LABOR AND ECONOMIC GROWTH**.

19 (2) **THE CEMETERY COMMISSIONER, AS FURTHER DESCRIBED IN THE**
 20 **CEMETERY REGULATION ACT, 1968 PA 251, MCL 456.521 TO 456.543, HAS**
 21 **AUTHORITY TO INVESTIGATE A CORPORATION FORMED UNDER THIS ACT FOR**
 22 **VIOLATIONS OF THIS ACT REGARDING THE TRUSTING OR ESCROWING OF MONEY**
 23 **UNDER THIS ACT FOR ANY PURPOSE.**

24 Enacting section 1. This amendatory act does not take effect
 25 unless Senate Bill No. ____ or House Bill No. 6033(request no.
 26 03313'07 **) of the 94th Legislature is enacted into law.