

# Cemetery Oversight Act database in operation

**T**HE NEW CEMETERY OVERSIGHT ACT (Public Act 096-0863) required the Illinois Department of Financial and Professional Regulation (IDFPR) to have the Cemetery Oversight Database certified and operational by December 1, 2010. Ramaker & Associates, Inc. is the vendor that has developed this database.

Go to [www.ilcod.com](http://www.ilcod.com) for the information page and a link to the database.

## Frequently asked questions:

### **Q: Is my cemetery exempt from entering burials into the Cemetery Oversight Database?**

A: A cemetery is fully exempt from the Cemetery Oversight Act and need not comply with its requirements, including the database, if it is a family burial ground; if it has not engaged in an interment, inurnment, or entombment of human remains within the last 10 years and does not accept or maintain care funds; or if the cemetery is less than two acres and does not accept or maintain care funds. All other cemeteries are required to enter their burials into the Cemetery Oversight Database.

### **Q: Do I have to enter burials that occurred before December 1, 2010?**

A: No, only burials occurring on December 1, 2010 and after need to be entered.

### **Q: How long do I have to enter burials into the database?**

A: You have 10 business days (Monday through Friday) starting with the first business day after the burial.

### **Q: Is there a cost for using the database?**

A: Yes, there is a small vendor charge for each burial entered into the database.

### **Q: What if I don't use all my burial registrations right away?**

A: Your burial registrations do not expire and will be in your cemetery's account until they are all used.

### **Q: How do I record the depth for a double depth burial?**

A: Enter the depth at the bottom of the burial con-

tainer. Example: One burial entered at 8.5 feet and one at 6 feet.

### **Q: How do I record 2 cremated remains interred in the same grave?**

A: You would have one burial entry for each person. Every person interred requires their own burial entry into the database.

### **Q: Do I have to enter my burials into the database over the internet?**

A: No. You may also enter burials by calling the toll-free information line at 855-694-5263 or you may mail or fax our Form for Burial Record Entry to Ramaker & Associates' office. You may request a copy of this form by calling the information line.

### **Q: When setting up my cemetery locations in the database, do I have to use all 5 space identifiers?**

A: No. Use only what matches your cemetery. Example: If John Smith is interred in the 2nd Addition of your cemetery, Section D, Lot 4, you would use the following:

Location Type: 2nd Addition  
Space Identifier 1: Section  
Space Identifier 2: Lot

All the other Space Identifiers would remain blank.

If you have questions or problems with the Cemetery Oversight Database, you can contact the toll-free database information line at 855-694-5263 (855-MYILCOD) or e-mail [ilcod@ramaker.com](mailto:ilcod@ramaker.com).

If you would like to talk to someone at the state about the Cemetery Oversight Act, call the IDFPR at 312-814-2886 or e-mail [david.evans@illinois.gov](mailto:david.evans@illinois.gov).



Does your township have a truck or other piece of equipment for sale? Advertise your township equipment in Township Perspective for \$25. Deadline is one month prior to publication. For more information, call Erin at the TOI Office at (217) 744-2212, or e-mail at [erin@toi.org](mailto:erin@toi.org).

# CEMETERY OVERSIGHT ACT UPDATE

By LuAnn Johnson – Executive Director, Oak Ridge Cemetery, Springfield

**A**S PREVIOUSLY REPORTED, the Cemetery Oversight Act was initially implemented on March 1, 2010, and the electronic database began collecting burial information on December 1, 2010. During November, webinars explaining the database were available for all interested cemeterians. These webinars provided a step-by-step walk through of the database via internet and teleconference connections. Participants could see exactly how to register their cemetery, register those employees or volunteers who might enter burial data, purchase burial credits, and enter all burial data. By law, all burials performed on or after December 1, 2010 must be entered into this system. The only exception is for fully exempt cemeteries.

In December, informational meetings about the database were held around the state for those who preferred a face-to-face demonstration of the database. And yet other cemeterians just followed the online instructions and registered their cemetery and began inputting the compilation of burial data. All reported the system to be very easy to navigate and use. Early qualms about this requirement were significantly diminished once cemeterians were able to experience the ease with which the process worked.

Initially, the Cemetery Oversight Act had required that cemeteries establish “partial identification numbers” and “unique personal identifiers” for all specific locations in their cemetery and for each specific burial in each unique location. The partial identification number described the grave, plot, crypt or niche in which a burial, entombment or inurnment could take place. The unique personal identifier included the parcel identification number in addition to the term of the burial, the depth in the grave, and the year of

death of the human remains interred, entombed, or inurned.

It became obvious with the development of the Cemetery Oversight Database that these specific alpha/numeric numbers and identifiers were going to be overly burdensome for cemeterians. So as the database was developed, an algorithm was implemented so that the database could assign these two distinctive numbers to each and every interment, entombment or inurnment and a description of the exact location of each specific burial.

It was previously reported that we hoped to have a trailer bill passed in November. That did not happen, nor was it called in January. The 97th Illinois legislature has now been sworn in and we are starting over with the trailer bill. It was sent to LRB on February 4th and will be filed no later than February 24th. We anticipate it may not be called until April or May. Once the bill is filed, it will be assigned a bill number and we will forward that to you.

This trailer bill is intended to reduce the burden currently felt by cemeteries with small endowment care funds. The Alliance of Illinois Cemeterians continues to receive countless calls from these cemeteries who now find themselves in a situation where they are currently required under the COA to meet qualifications that they are not able to accommodate.

Some of these cemeteries targeted for relief are run by volunteers who have other jobs aside from watching over the area cemetery. Some are small mom-and-pop owned cemeteries that do not have the staff, or financial wherewithal to comply with the COA as currently legislated. It was never the intent of the Cemetery Oversight Act to cause undue burden to cemeteries, and consequently some cemeterians are now

expressing a desire to abandon their obligations to the cemetery.

Throughout this entire legislative process, the AIC has testified on behalf of these cemeteries. We first testified to the Cemetery Oversight Task Force, and then before Senate Executive Committee hearings. We are now prepared to work for the passage of this trailer bill to assist those cemeteries with small care funds.

It is proposed that burdensome requirements be eliminated for these specific cemeteries in question, but that they comply with Article 15 of the Cemetery Oversight Act as far as the reporting and auditing stipulations. Those cemeteries with care funds do have an obligation to their interment right owners to maintain the funds in a prudent and professional manner and account for those funds through annual reporting and subsequent audits.

We strongly encourage you to contact your state legislators and ask them to support this cemetery legislation. Whether this specific trailer bill applies to your cemetery or not, you still need to encourage its passage. The Alliance of Illinois Cemeterians works for the betterment of all cemeteries, regardless of size, ownership, or location.

Once a trailer bill is passed, then JCAR will be able to implement rules for the Cemetery Oversight Act. After rules are established, the Illinois Department of Financial and Professional Regulations will be able to provide forms on which applications can be made for registration and licensing.

*If you have questions concerning the Cemetery Oversight Act, please feel free to contact LuAnn Johnson, Executive Director, Oak Ridge Cemetery, Springfield, Illinois at 217-789-2340 or e-mail at [luann.johnson@cwlp.com](mailto:luann.johnson@cwlp.com).*



## PROPOSED TRAILER BILL UPDATE FOR THE CEMETERY OVERSIGHT ACT

*By LuAnn Johnson, executive director,  
Oak Ridge Cemetery, Springfield*

**T**HE ALLIANCE OF ILLINOIS CEMETERIANS and the Catholic Conference, with the support of the Illinois Municipal League and the Township Officials of Illinois, have worked for the implementation of a trailer bill to the Cemetery Oversight Act (COA.)

The main purpose of this legislation is to alleviate the burden currently felt by cemeteries, especially those with small care funds.

With passage of this proposed trailer bill, cemeteries with care funds of less than \$50,000 will be able to apply for any exemption for which they would otherwise qualify if they had no care funds. Thus, family burial grounds, religious burial grounds, cemeteries who have not engaged in a burial in the last 10 years, or cemeteries with less than two acres, all of which hold care funds of less than \$50,000, could apply for a full exemption. Likewise, cemeteries performing 25 or fewer burials for each of the preceding two calendar years with care funds of less than \$50,000 could apply for a partial exemption. All of these cemeteries with care funds would be required to comply with Article 15 of the Cemetery Oversight Act regarding reporting and auditing of their care funds.

The Illinois Department of Financial and Professional Regulations would also be granted the authority to grant a waiver to a cemetery authority that does not qualify for a full or partial exemption, but the requirements of the COA would result in financial or other hardships to the point where cemetery operations would be jeopardized.

The definitions for “cemetery manager” and “customer service employee” are redefined to exclude all volunteers who receive no compensation, either directly or indirectly, for their work in that capacity. The definition of “cemetery worker” is changed to stipulate that the employee must be hired directly by the cemetery or by a company contracted by the cemetery to perform cemetery tasks. This expanded definition for “cemetery worker” would no longer cause the cemetery to be at fault if an employee of an outside vendor, not under contract with the cemetery, neglects to provide the cemetery with a current workers statement.

The requirement for cemetery authorities, cemetery managers, and cemetery customer service employees have been redefined to no longer require the submission of fingerprints and the execution of a State Police background check. Instead, the Department can conduct a criminal background check not involving fingerprints. This will lessen the financial burden in providing the more extensive background check.

If an abandoned cemetery is taken over by the state, county, city, village, town, township or any government entity, the care funds and care fund expenditures of that cemetery are subject to the provisions of the COA. The new government cemetery must continue to use the care funds exclusively for the care and maintenance of the cemetery from which the funds were collected.

Other minor changes are proposed that better explain the intent of the COA and correct wording as required by law. Additional changes will include the correction of dates for the implementation of various aspects of the COA.

With the passage of this trailer bill, many concerns voiced by cemeteryans around the state will be addressed.

*If you have questions concerning the Cemetery Oversight Act, please feel free to contact LuAnn Johnson, Executive Director, Oak Ridge Cemetery, Springfield, Illinois at 217-789-2340 or e-mail at [luann.johnson@cwlp.com](mailto:luann.johnson@cwlp.com).*