

**Bill Status of SB1682** 96th General Assembly**Short Description:** PRENEED-FUNERAL BURIAL CEMETRY**Senate Sponsors**

Sen. [Deanna Demuzio](#) - [Edward D. Maloney](#) - [Kwame Raoul](#) - [Pamela J. Althoff](#) - [A. J. Wilhelmi](#), [John O. Jones](#), [James T. Meeks](#), [Gary Forby](#), [William R. Haine](#), [James F. Clayborne, Jr.](#), [Tim Bivins](#), [Dale A. Richter](#), [Kyle McCarter](#), [Toi W. Hutchinson](#), [Linda Holmes](#), [Heather Steans](#), [Michael W. Frerichs](#), [John M. Sullivan](#), [Louis S. Viverito](#), [David Koehler](#), [M. Maggie Crotty](#) and [Dan Kotowski](#)

**House Sponsors**

(Rep. [Lisa M. Dugan](#) - [David E. Miller](#) - [Jack D. Franks](#) - [William D. Burns](#) - [Monique D. Davis](#), [Careen M. Gordon](#), [Joseph M. Lyons](#), [Daniel J. Burke](#), [Robert Rita](#) and [William Davis](#))

**Hearings**

Executive Committee Hearing Oct 28 2009 11:00AM Capitol Building Room 118 Springfield, IL -  
Amendatory Veto Motion 1

**Last Action**

Date	Chamber	Action
10/28/2009	Senate	Both Houses Accepted Amendatory Veto

**Statutes Amended In Order of Appearance**

[15 ILCS 405/1](#) from Ch. 15, par. 201

**Synopsis As Introduced**

Amends the State Comptroller Act. Makes technical changes in a Section concerning the short title.

**House Committee Amendment No. 1**

*Deletes reference to:*

[15 ILCS 405/1](#)

*Adds reference to:*

[225 ILCS 45/1](#)

from Ch. 111 1/2, par. 73.101

[225 ILCS 45/1a](#)

from Ch. 111 1/2, par. 73.101a

[225 ILCS 45/1a-1](#)

225 ILCS 45/1a-2 new

[225 ILCS 45/1b](#)

from Ch. 111 1/2, par. 73.101b

[225 ILCS 45/2](#)

from Ch. 111 1/2, par. 73.102

[225 ILCS 45/3](#)

from Ch. 111 1/2, par. 73.103

[225 ILCS 45/4](#)

from Ch. 111 1/2, par. 73.104

[225 ILCS 45/4a](#)

[225 ILCS 45/5](#)

from Ch. 111 1/2, par. 73.105

[225 ILCS 45/8.1](#)

[815 ILCS 390/4](#)

from Ch. 21, par. 204

[815 ILCS 390/14](#)

from Ch. 21, par. 214

[815 ILCS 390/15](#)

from Ch. 21, par. 215

[815 ILCS 390/16](#)

from Ch. 21, par. 216

[30 ILCS 105/5.719 new](#)

Replaces everything after the enacting clause. Amends the Illinois Funeral or Burial Funds Act. Removes a provision that allows persons holding less than \$500,000 in trust funds to continue to act as the trustee after the funds are deposited. Changes the definition of "sales proceeds" and "purchase price". In a provision concerning pre-need contracts, provides that the pre-need contract must, if funded by a trust, clearly identify the trustee's name and address and the primary state or federal regulator of the trustee as a corporate fiduciary or, if funded by life insurance, clearly identify the life insurance provider and the primary regulatory authority of the life insurance provider. Provides that the Pre-Need Funeral Consumer Protection Fund shall be a special fund administered by the State Comptroller to provide restitution to purchasers unable to receive the benefits of their pre-need contract or to receive the funds due by reason of cancellation of the contract, and to purchase insurance to cover losses guaranteed by the Fund. Provides that the Comptroller shall collect from each licensee under the Act a fee of \$5 out of the funds received from each pre-need contract sold by the licensee and deposit the fees collected into the Fund. Provides that in the event that a purchaser of a pre-need contract is unable to receive the benefits of his or her pre-need contract or to receive the funds due by reason of cancellation of the contract, the Comptroller may cause restitution to be paid to the purchaser from the Pre-need Funeral Consumer Protection Fund if certain conditions are met. Provides that if a purchaser selects a trust arrangement to fund the pre-need contract, the trust must be maintained with a corporate fiduciary as defined in the Corporate Fiduciary Act. Imposes certain requirements on a trustee of a trust used to fund a pre-need contract. In a provision concerning the withdrawal of funds from a trust, provides that monies in the trust shall not be withdrawn until after the death of the beneficiary unless sooner withdrawn and refunded to the purchaser as allowed for under the Act. Provides that a trustee has a duty to invest and manage the trust assets pursuant to the Prudent Investor Rule under the Trusts and Trustees Act. Makes other changes. Amends the Illinois Pre-Need Cemetery Sales Act. Provides that "municipal cemetery" also includes a cemetery placed in receivership pursuant to the Act while such cemetery is in receivership. Provides that each pre-need contract that is funded by a trust shall clearly identify the trustee's name and address and the primary state or federal regulator of the trustee as a corporate fiduciary. Provides that the seller shall act as trustee of all amounts received for cemetery merchandise, services, or undeveloped spaces until those amounts have been deposited into the trust fund. The seller must retain a corporate fiduciary as an independent trustee for any amount of trust funds. Provides that upon 30 days prior written notice from the seller to the Comptroller, the seller may change the trustee of the trust fund. Provides that the trustee has a duty to invest and manage the trust assets pursuant to the Prudent Investor Rule under the Trusts and Trustees Act. Provides that whenever the seller changes trustees pursuant to the Act, the trustee must provide written notice of the change in trustees to the Comptroller no less than 28 days prior to the effective date of such a change in trustee. Provides that the trustee has an ongoing duty to provide the Comptroller with a current and true copy of the trust agreement under which the trust funds are held pursuant to this Act. Provides that a trustee shall at least annually furnish to each purchaser a statement identifying: (1) the receipts, disbursements, and inventory of the trust, including an explanation of any fees or expenses charged by the trustee under the Act or otherwise, (2) an explanation of the purchaser's right to a refund, if any, under the Act, and (3) the regulator of the trust as a corporate fiduciary under state or federal law. Makes other changes. Amends the State Finance Act. Creates the Pre-Need Funeral Consumer Protection Fund.

#### **House Floor Amendment No. 2**

*Deletes reference to:*

[225 ILCS 45/1a](#)

Deletes changes in a provision concerning definitions under the Act. Provides that the fee that a licensee pays to the Comptroller for each pre-need contract entered into shall be remitted to the Comptroller semi-annually within 30 days of the end of June and December. Changes cross-reference in a provision concerning the requirement that a trustee furnish to each purchaser a statement containing certain information.

#### **Pension Note, House Committee Amendment No. 1 (Government Forecasting & Accountability)**

SB 1682 (H-AM 1) will not impact any public pension fund or retirement system in Illinois.

#### **State Debt Impact Note, House Committee Amendment No. 1 (Government Forecasting & Accountability)**

SB 1682 (H-AM 1) would not change the amount of authorization for any type of State-issued or State-supported bond, and, therefore, would not affect the level of State indebtedness.

**Judicial Note, House Committee Amendment No. 1 (Admin Office of the Illinois Courts)**

Based on a review of the bill, it has been determined that SB 1682 (H-AM 1) would neither increase nor decrease the number of judges needed in the State.

**Housing Affordability Impact Note, House Committee Amendment No. 1 (Housing Development Authority)**

This bill will have no effect on the cost of constructing, purchasing, owning, or selling a single-family residence.

**Correctional Note, House Floor Amendment No. 2 (Dept of Corrections)**

This legislation has no population or fiscal impact on the Department of Corrections.

**Home Rule Note, House Committee Amendment No. 1 (Dept. of Commerce & Economic Opportunity)**

SB 1682 (H-AM 1) does not pre-empt home rule authority.

**State Mandates Fiscal Note, House Committee Amendment No. 1 (Dept. of Commerce & Economic Opportunity)**

SB 1682 (H-AM 1) does create a State mandate.

**Balanced Budget Note (Office of Management and Budget)**

SB 1682, as engrossed, has no fiscal impact to the State of Illinois and does not add additional spending pressure to the General Revenue Fund or to the current Fiscal Year 2009 budget deficit.

**State Mandates Fiscal Note (Dept. of Commerce & Economic Opportunity)**

SB 1682 (H-AM 1) does not create a State mandate.

**[Governor Amendatory Veto Message](#)**

Recommends adding a January 31, 2010 effective date.

**Actions**

Date	Chamber	Action
2/19/2009	Senate	Filed with Secretary by <a href="#">Sen. Deanna Demuzio</a>
<b>2/19/2009</b>	<b>Senate</b>	<b>First Reading</b>
2/19/2009	Senate	Referred to <a href="#">Assignments</a>
3/5/2009	Senate	Assigned to <a href="#">Executive</a>
3/12/2009	Senate	Do Pass <a href="#">Executive</a> ; 012-000-000
3/12/2009	Senate	Placed on Calendar Order of 2nd Reading March 17, 2009
<b>3/30/2009</b>	<b>Senate</b>	<b>Second Reading</b>
3/30/2009	Senate	Placed on Calendar Order of 3rd Reading March 31, 2009
<b>4/2/2009</b>	<b>Senate</b>	<b>Third Reading - Passed; 058-000-000</b>
4/3/2009	House	Arrived in House
4/3/2009	House	Placed on Calendar Order of First Reading
4/3/2009	House	Chief House Sponsor <a href="#">Rep. Lisa M. Dugan</a>
<b>4/6/2009</b>	<b>House</b>	<b>First Reading</b>
4/6/2009	House	Referred to <a href="#">Rules Committee</a>
4/20/2009	House	Assigned to <a href="#">Executive Committee</a>
5/7/2009	House	Added Alternate Chief Co-Sponsor <a href="#">Rep. David E. Miller</a>

5/7/2009	House	Added Alternate Chief Co-Sponsor <a href="#">Rep. Jack D. Franks</a>
5/7/2009	House	Added Alternate Chief Co-Sponsor <a href="#">Rep. William D. Burns</a>
5/7/2009	House	Added Alternate Chief Co-Sponsor <a href="#">Rep. Monique D. Davis</a>
5/8/2009	House	Committee/Final Action Deadline Extended-9(b) May 22, 2009
5/12/2009	House	Added Alternate Co-Sponsor <a href="#">Rep. Careen M. Gordon</a>
5/12/2009	House	Added Alternate Co-Sponsor <a href="#">Rep. Joseph M. Lyons</a>
5/12/2009	House	Added Alternate Co-Sponsor <a href="#">Rep. Daniel J. Burke</a>
5/12/2009	House	Added Alternate Co-Sponsor <a href="#">Rep. Robert Rita</a>
5/12/2009	House	House Committee Amendment No. 1 Filed with Clerk by <a href="#">Executive Committee</a>
5/12/2009	House	House Committee Amendment No. 1 Adopted in <a href="#">Executive Committee</a> ; by Voice Vote
5/12/2009	House	Do Pass as Amended / Short Debate <a href="#">Executive Committee</a> ; 008-000-003
5/12/2009	House	Placed on Calendar 2nd Reading - Short Debate
<b>5/19/2009</b>	<b>House</b>	<b>Second Reading - Short Debate</b>
5/19/2009	House	Placed on Calendar Order of 3rd Reading - Short Debate
5/19/2009	House	Recalled to Second Reading - Short Debate
5/19/2009	House	Held on Calendar Order of Second Reading - Short Debate
5/19/2009	House	House Floor Amendment No. 2 Filed with Clerk by <a href="#">Rep. Lisa M. Dugan</a>
5/19/2009	House	House Floor Amendment No. 2 Referred to <a href="#">Rules Committee</a>
5/20/2009	House	House Committee Amendment No. 1 Pension Note Filed as Amended
5/20/2009	House	House Committee Amendment No. 1 State Debt Impact Note Filed as Amended
5/20/2009	House	House Committee Amendment No. 1 Judicial Note Filed as Amended
5/21/2009	Senate	Added as Chief Co-Sponsor <a href="#">Sen. Edward D. Maloney</a>
5/21/2009	Senate	Added as Chief Co-Sponsor <a href="#">Sen. Kwame Raoul</a>
5/22/2009	House	Final Action Deadline Extended-9(b) May 29, 2009
5/22/2009	House	House Committee Amendment No. 1 Housing Affordability Impact Note Filed as Amended
5/26/2009	House	House Floor Amendment No. 2 Correctional Note Filed as Amended
5/26/2009	House	House Floor Amendment No. 2 Recommends Be Adopted <a href="#">Rules Committee</a> ; 004-000-000
5/26/2009	House	House Floor Amendment No. 2 Adopted by Voice Vote
5/26/2009	House	Placed on Calendar Order of 3rd Reading - Short Debate
5/26/2009	Senate	Added as Chief Co-Sponsor <a href="#">Sen. Pamela J. Althoff</a>
5/26/2009	House	House Committee Amendment No. 1 Home Rule Note Filed as Amended
5/26/2009	House	House Committee Amendment No. 1 State Mandates Fiscal Note Filed as Amended
5/27/2009	House	Added Alternate Co-Sponsor <a href="#">Rep. William Davis</a>
<b>5/27/2009</b>	<b>House</b>	<b>Third Reading - Short Debate - Passed 071-030-015</b>
5/27/2009	Senate	Secretary's Desk - Concurrence House Amendment(s) 1, 2
5/27/2009	Senate	Placed on Calendar Order of Concurrence House Amendment(s) 1, 2 - May 28, 2009
5/27/2009	Senate	Added as Chief Co-Sponsor <a href="#">Sen. A. J. Wilhelmi</a>
5/27/2009	Senate	Added as Co-Sponsor <a href="#">Sen. John O. Jones</a>

5/27/2009	Senate	House Committee Amendment No. 1 Motion to Concur Filed with Secretary <a href="#">Sen. Deanna Demuzio</a>
5/27/2009	Senate	House Committee Amendment No. 1 Motion to Concur Referred to <a href="#">Assignments</a>
5/27/2009	Senate	House Floor Amendment No. 2 Motion to Concur Filed with Secretary <a href="#">Sen. Deanna Demuzio</a>
5/27/2009	Senate	House Floor Amendment No. 2 Motion to Concur Referred to <a href="#">Assignments</a>
5/27/2009	Senate	House Committee Amendment No. 1 Motion to Concur Assignments Referred to <a href="#">State Government and Veterans Affairs</a>
5/27/2009	Senate	House Floor Amendment No. 2 Motion to Concur Assignments Referred to <a href="#">State Government and Veterans Affairs</a>
5/27/2009	Senate	Balanced Budget Note Filed as Engrossed, from Governor's Office of Management and Budget
5/27/2009	Senate	State Mandates Fiscal Note Filed as amended by House Amendment No. 1, from the Illinois Department of Commerce & Economic Opportunity.
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. James T. Meeks</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Gary Forby</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. William R. Haine</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. James F. Clayborne, Jr.</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Tim Bivins</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Dale A. Righter</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Kyle McCarter</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Toi W. Hutchinson</a>
5/28/2009	Senate	House Committee Amendment No. 1 Motion To Concur Recommended Do Adopt <a href="#">State Government and Veterans Affairs</a> ; 009-000-000
5/28/2009	Senate	House Floor Amendment No. 2 Motion To Concur Recommended Do Adopt <a href="#">State Government and Veterans Affairs</a> ; 009-000-000
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Linda Holmes</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Heather Steans</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Michael W. Frerichs</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. John M. Sullivan</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Louis S. Viverito</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. David Koehler</a>
5/28/2009	Senate	Added as Co-Sponsor <a href="#">Sen. M. Maggie Crotty</a>
5/29/2009	Senate	Added as Co-Sponsor <a href="#">Sen. Dan Kotowski</a>
5/29/2009	Senate	House Committee Amendment No. 1 Senate Concur <a href="#">058-000-000</a>
5/29/2009	Senate	House Floor Amendment No. 2 Senate Concur <a href="#">058-000-000</a>
5/29/2009	Senate	Passed Both Houses
6/26/2009	Senate	Sent to the Governor
8/25/2009	Senate	Governor Amendatory Veto
10/14/2009	Senate	Placed on Calendar Amendatory Veto October 15, 2009
10/15/2009	Senate	Amendatory Veto Motion - Motion Filed Accept Amendatory Veto <a href="#">Sen. Deanna Demuzio</a>
10/15/2009	Senate	Amendatory Veto Motion - Motion Referred to <a href="#">Assignments</a>
10/15/2009	Senate	Amendatory Veto Motion - Motion Referred to <a href="#">State Government and Veterans Affairs</a>

10/15/2009	Senate	Amendatory Veto Motion - Accept Motion Recommends Do Adopt <a href="#">State Government and Veterans Affairs</a> ; 009-000-000
10/16/2009	Senate	Accept Amendatory Veto - Senate Passed <a href="#">044-000-000</a>
10/16/2009	House	Arrived in House
10/16/2009	House	Placed on Calendar Amendatory Veto October 16, 2009
10/21/2009	House	Amendatory Veto Motion - Motion Filed Accept Amendatory Veto <a href="#">Rep. Lisa M. Dugan</a>
10/21/2009	House	Amendatory Veto Motion - Motion Referred to <a href="#">Rules Committee</a>
10/27/2009	House	Amendatory Veto Motion - Rules Refers to <a href="#">Executive Committee</a>
10/28/2009	House	Amendatory Veto Motion - Accept Motion Recommends Be Adopted <a href="#">Executive Committee</a> ; 011-000-000
10/28/2009	House	3/5 Vote Required
10/28/2009	House	Accept Amendatory Veto - House Passed <a href="#">092-022-000</a>
<b>10/28/2009</b>	<b>Senate</b>	<b>Both Houses Accepted Amendatory Veto</b>