

Statement of the Honorable Patricia Brown Holmes (ret.)
Testimony before the House Subcommittee on Commerce, Trade and Consumer Protection

January 27, 2010

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to testify about the findings and recommendations of the Cemetery Oversight Task Force, which was established by Governor Pat Quinn in response to reports that hundreds of graves in a cemetery located just outside of Chicago had been desecrated and vandalized.

Mr. Chairman, all of us expect that our loved ones will be treated with the same dignity and respect in death as in life, and many of us believe that the protection of those rights is a duty and responsibility that is properly entrusted to our government. That is why the citizens of the State of Illinois were shocked in July 2009 when we learned of horrific events taking place in the historic Burr Oak Cemetery in the suburb of Alsip, Illinois. According to reports that appeared in the print and broadcast media, it was alleged that workers at the Burr Oak Cemetery had, over a period of several years, unearthed hundreds of corpses and then dumped them in a weeded area in the Cemetery or double-stacked them in existing graves. The empty burial plots were then allegedly resold to members of the public who had no knowledge that the graves were being reused.

On July 16, 2009, in the wake of these appalling reports, Governor Pat Quinn signed an Executive Order forming the Cemetery Oversight Task Force. Governor Quinn ordered the 11 citizens comprising the Task Force to examine the circumstances surrounding the events at Burr Oak Cemetery; to conduct a comprehensive review of pertinent Illinois laws and the laws of other states; and to recommend what policies, laws, rules, and regulations should be implemented to ensure the respectful and humane treatment of the deceased. The essential purpose of the Task Force was to recommend legislation to better protect and serve the people of the State of Illinois.

I was honored to accept Governor Quinn's request that I chair the Task Force, but found it a particularly daunting challenge since both my father and brother are buried in the Burr Oak Cemetery. My first thoughts were: "How could this be? Who would dare disturb the dead? Wasn't anyone watching?" The Task Force set out to answer these questions, address the deficiencies in the State's mechanisms for regulating and overseeing the operation and management of cemeteries, and propose solutions to ensure the proper treatment of the deceased and their bereaved family members.

The testimony and evidence presented to the Task Force during two months of hearings revealed a systemic failure of oversight and regulation of the cemetery industry in the State of Illinois. The Task Force concluded that although there are a number of laws in Illinois that address various aspects of the death care industry, a regulatory disjunction exists with respect to the operation and management of cemeteries. The Task Force concluded that there was a direct connection between the hodgepodge of regulations governing the death care industry and the deteriorated condition of Burr Oak Cemetery and other cemeteries. The Task Force also

concluded that the lack of regulatory oversight was likely a contributing factor to the criminal scheme that allegedly unfolded at Burr Oak Cemetery. It was the primary finding of the Task Force that without legislative reform and increased oversight of cemetery operations, the events that occurred at Burr Oak Cemetery and other cemeteries in the State of Illinois would continue to occur, and the same types of tragic stories the public has already heard too many times would continue to be told .

With an eye towards ensuring that this history does *not* repeat itself, the report issued by the Task Force on September 15, 2009 set forth three primary recommendations. First, the Task Force recommended that regulatory authority over funeral and burial practices be consolidated into the Department of Financial and Professional Regulation (the "Department"), which currently licenses more than one million professionals in nearly one hundred industries . Under existing law, Illinois' regulation of the death care industry is currently divided between two state agencies. The Department has jurisdiction over funeral directors and embalmers, while the Comptroller has jurisdiction over most other aspects of the for-profit death care industry, including laws relating to pre-need cemetery and funeral purchases, cemetery care funds, the protection of cemetery property, cemetery associations, and crematories. The Task Force found that this segmentation of duties and responsibilities is confusing to the consumer of cemetery and funeral products and services, and thwarts the uniform and effective application of laws and regulations. The Task Force noted that the Department has the highest level of expertise with respect to the licensure and regulation of occupations, and therefore determined that a uniform system of oversight and regulation should be established under the jurisdiction of the Department.

Second, the Task Force recommended that the General Assembly consider the adoption of new legislation – a Cemetery Oversight Act – providing for the licensure of cemetery managers and the registration of cemetery employees. The Task Force found that the practice of cemetery management and operation in the State of Illinois affects the public health, safety, and well-being of its citizens, and should be subject to regulation and control in the public interest. Accordingly, it recommended that legislation be adopted requiring that cemetery management operations be treated as a profession and that only qualified persons be authorized to own, operate, or work in a cemetery in the State of Illinois.

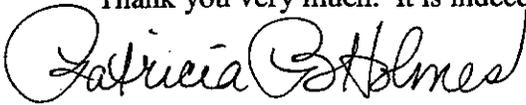
Third, the Task Force recommended that the General Assembly amend and consolidate various statutes for the purpose of: (1) bringing them under the jurisdiction of the Department and creating a uniform system of oversight and regulation; (2) strengthening the licensing and regulatory requirements in those statutes; and (3) creating new consumer protections. (A copy of the Report of the Task Force may be found at cemeterytaskforce.illinois.gov.)

In its final report to the Governor, the Task Force proposed a comprehensive regulatory framework that would, if implemented, make Illinois a national model for cemetery oversight. With the passage and signing of the Cemetery Oversight Act on January 17, 2010, that day has arrived. The legislation that Governor Quinn signed into law less than two weeks ago is based on the recommendations of the Task Force, and establishes new and stricter standards for the care and operation of cemeteries. As recommended by the Task Force, the new Act consolidates the regulation of funeral and burial practices into one agency: the Department of Financial and Professional Regulation. The Cemetery Oversight Act also implements the other reforms

recommended by the Task Force, including the imposition of licensure requirements for private, non-religious cemeteries; the creation of a consumer bill of rights which sets forth protections for consumers purchasing burial merchandise and entering into burial contracts; and the establishment of a statewide database that will help future generations locate the remains of a loved one. The new Act also prohibits cemeteries from requiring that consumers pay for services and merchandise in cash; establishes protections for whistleblowers who make good faith reports about misconduct at a cemetery; and creates a Cemetery Relief Fund to assist cemeteries that have been abandoned or neglected.

I feel very privileged to have participated in the passage of this landmark legislation, which is an example of the democratic process at its best. As a result of the vision and leadership of Governor Quinn and the hard work, commitment, and skill of the members of the Illinois General Assembly, this legislation will help protect the memories of our grandparents and parents, brothers and sisters, role models and heroes – all of those closest to us. They deserve it, and the Cemetery Oversight Act demands it. It is my strong belief that this Act will help ensure that a tragedy of the magnitude that occurred at the Burr Oak Cemetery does not happen again in the State of Illinois.

Thank you very much. It is indeed an honor to have appeared before you.

A handwritten signature in cursive script that reads "Patricia Brown Holmes". The signature is written in black ink and is positioned above the printed name.

Hon. Patricia Brown Holmes (ret.)