

**June 7, 2017**  
**House Local Government Committee**  
**Public Hearing on HB 1019**  
**Testimony of Frank Grabowski on behalf of the**  
**Pennsylvania Cemetery, Cremation, and Funeral Association**

Good morning, Madame Chair and members of the Committee.

My name is Frank Grabowski. I am the manager at Schuylkill Memorial Park, in Schuylkill Haven, PA, and the Vice President of the Pennsylvania Cemetery, Cremation, and Funeral Association. With me today are Harry Neel, President of Jefferson Memorial Cemetery, Funeral Home and Crematory in Pittsburgh, and Jason Benion, an attorney with the law firm of Post & Schell, who is the Association's counsel.

We thank you for the opportunity to be here today, and to express the Association's support for House Bill 1019.

Our membership includes about 450 cemeteries across Pennsylvania. Our organization was established 85 years ago to provide leadership in setting and maintaining the highest ethical standards in the death care industry. We believe that House Bill 1019 helps achieve that goal.

When consumers purchase the right of interment in a cemetery, they deserve to know that right will be honored when they die – even if the cemetery is later transferred to a new owner. This legislation gives consumers confidence that their

wishes will be followed at death, by requiring the new owner to honor purchases of burial plots made before the transfer of ownership.

But the right to be buried in a cemetery loses a lot of its value if no one can visit your grave. House Bill 1019 gives consumers and their next of kin peace of mind by requiring cemeteries to grant reasonable access to burial plots for the purpose of visitation. This is something that nearly all cemeteries in Pennsylvania are already doing, with a very small number of unfortunate exceptions. We believe that by providing for reasonable visitation rights, the bill strikes an appropriate balance between ensuring that the next of kin can mourn and remember their loved ones, and maintaining the dignity and safety of the cemetery.

Importantly, the protections found in House Bill 1019 are not new. The bill simply codifies rights that have been recognized in Pennsylvania law for a century or more.

We would like to propose one minor, technical change to the bill. In Section 1, the bill uses the word “guaranteed” in defining the term burial plot. That word is a term of art that has a particular meaning in the industry. A “guaranteed contract” is one where the price is guaranteed not to change between the date of the contract and the date of death. On the other hand, a “non-guaranteed contract” is one where the price may fluctuate, depending on changes over time in the price of the goods and services purchased.

Using the word “guaranteed” in the definition may suggest that the bill applies only to some purchases of burial plots and not others. Therefore, we suggest avoiding that word in the definition.

Instead, we suggest defining “burial plot” as: Real property in which an individual has a right to be interred when the individual dies, but title to ownership of which is not acquired by the individual.

This is very similar to the current definition, but avoids using a term of art that might cause confusion about the scope of the bill.

The Association applauds Representative Gillen and the co-sponsors of this legislation for their tireless work on this important topic, and we are proud to support House Bill 1019.

We thank you again for the opportunity to be here today, and we would be happy to take any questions you might have.