

1 IN THE HOUSE

BY PHILLIPS

2

HOUSE BILL NO. 569

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to cemetery associations and
7 nonprofit cemetery corporations."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 10.30 is amended by adding a new section to read:

10 Sec. 10.30.055. FORMATION OF NONPROFIT CEMETERY CORPORATION. As
11 an alternative to the provisions of AS 10.30.010 - 10.30.050, a ceme-
12 tery may be incorporated under AS 10.20. A nonprofit cemetery corpo-
13 ration is subject to the provisions of AS 10.20 except to the extent
14 that those provisions conflict with the provisions of this chapter
15 relating to cemetery corporations.

16 * Sec. 2. AS 10.30.060 is amended to read:

17 Sec. 10.30.060. POWER TO ACQUIRE AND DISPOSE OF LANDS, AND
18 EXEMPTION FROM EXECUTION, TAXATION AND PUBLIC APPROPRIATION. A ceme-
19 tery association or nonprofit cemetery corporation may buy or take by
20 gift or devise, and hold, land not exceeding 80 acres, for the sole
21 purpose of a cemetery. The land is exempt from execution, and from
22 any appropriation to public purposes, and from taxation if intended to
23 be used exclusively for burial purposes and in no way for the profit
24 of the members of the association or trustees, officers or employees
25 of the corporation.

26 * Sec. 3. AS 10.30.070 is amended to read:

27 Sec. 10.30.070. CREATION OF IRREDUCIBLE FUND. A cemetery [THE]
28 association or nonprofit cemetery corporation may by its bylaws pro-
29 vide that a stated percentage of the money realized from the sale of

1 cemetery lots and [,] donations [, AND OTHER SOURCES OF REVENUE]
2 constitutes an irreducible fund, which may be invested in the manner
3 or loaned upon the securities the association or corporation considers
4 [THE TRUSTEES CONSIDER] proper. The interest or income from the
5 irreducible fund provided for in a [ANY] bylaw, or as much as may be
6 necessary, shall be devoted exclusively to (1) the preservation and
7 embellishment of the grounds, buildings and property of the associa-
8 tion or corporation; (2) the preservation and embellishment of ceme-
9 tery lots and space in buildings or on grounds sold to the association
10 or corporation; or (3) the payment of interest and principal of debts
11 authorized by the association or corporation for the purchase of land
12 or equipment or for the construction or improvement of buildings
13 [CEMETERY]. Where a bylaw has been enacted for the creation of an
14 irreducible fund, the percentage stated in the bylaw [IT] may not be
15 reduced [AMENDED EXCEPT FOR THE PURPOSE OF INCREASING THE FUND].

16 * Sec. 4. AS 10.30.080 is amended to read:

17 Sec. 10.30.080. DISPOSITION OF INCOME FROM CEMETERY LAND. After
18 paying for the land, the future receipts and income of a cemetery
19 [THE] association or nonprofit cemetery corporation, subject to the
20 creation of an irreducible fund, whether from the sale of lots, from
21 donations, rents, or otherwise, shall be applied exclusively to laying
22 out, preserving, protecting, and embellishing the cemetery and the
23 avenues leading to it, the erection of buildings necessary or conven-
24 ient for the cemetery purpose, and to paying the necessary expenses of
25 the association or corporation.

26 * Sec. 5. AS 10.30.090 is amended to read:

27 Sec. 10.30.090. DEBTS OF ASSOCIATION. A cemetery association or
28 nonprofit cemetery corporation may [NOT] contract debts in anticipa-
29 tion of future receipts[, EXCEPT] for the original purchase of

1 cemetery land, the laying out and embellishment of the grounds and
2 avenues of the cemetery, the construction and repair of a building,
3 mausoleum or columbarium, the purchase or lease of necessary equip-
4 ment, or other cemetery purposes, for which debts the association or
5 corporation may issue bonds or notes. An [THE] association or corpora-
6 tion may secure these debts by mortgage upon its lands, except ceme-
7 tery lots that [WHICH] have been conveyed to the members of the asso-
8 ciation or to trustees, officers or employees of the corporation, or
9 by a security interest in not more than 50 percent of the irreducible
10 fund.

11 * Sec. 6. AS 10.30.100 is amended to read:

12 Sec. 10.30.100. TRANSFER OF CEMETERY [BURIAL] LOTS. A cemetery
13 [THE] association or nonprofit cemetery corporation may adopt [RULES
14 AND] regulations they consider expedient for disposing of and
15 conveying cemetery [BURIAL] lots.

16 * Sec. 7. AS 10.30.110 is amended to read:

17 Sec. 10.30.110. SALE OF UNSUITABLE LAND [LANDS]. The trustees
18 of a cemetery association or nonprofit cemetery corporation may,
19 whenever in their opinion a portion of cemetery land is unsuitable for
20 burial purposes, sell the portion and apply the proceeds to the gen-
21 eral purposes of the association or corporation.

22 * Sec. 8. AS 10.30.120 is amended to read:

23 Sec. 10.30.120. PURPOSE OF SALE BY LOTS, AND EXEMPTIONS. Ceme-
24 tery [BURIAL] lots sold by a cemetery [THE] association or a nonprofit
25 cemetery corporation are for the sole purpose of interment and are
26 exempt from taxation, execution, attachment, or any other claim, lien,
27 or process, if used exclusively for burial purposes without an inten-
28 tion to obtain a profit.

29 * Sec. 9. AS 10.30.130 is amended to read:

1 Sec. 10.30.130. PLANS OF GROUNDS AND CEMETERY LOTS. A cemetery
2 association or nonprofit cemetery corporation shall have a plan of its
3 [THEIR] grounds and cemetery lots as laid out [BY THEM] made and
4 recorded in a book kept for that purpose by the clerk of the associa-
5 tion or the secretary of the corporation. The cemetery lots shall be
6 numbered by consecutive numbers.

7 * Sec. 10. AS. 10.30.140 is amended to read:

8 Sec. 10.30.140. MAINTENANCE OF CEMETERY LAND. A cemetery asso-
9 ciation or nonprofit cemetery corporation may enclose, improve, and
10 adorn the grounds and avenues, erect buildings for the use of the
11 association or corporation, prescribe rules for the designation and
12 adornment of cemetery lots and for erecting monuments in the cemetery,
13 and prohibit any use, division, improvement, or adornment of a ceme-
14 tery lot that the association or corporation considers [WHICH THEY
15 CONSIDER] improper.

16 * Sec. 11. AS 10.30.150 is amended to read:

17 Sec. 10.30.150. ANNUAL FINANCIAL STATEMENT. An annual statement
18 of the financial affairs of a cemetery [THE] association or a nonpro-
19 fit cemetery corporation shall be made by the clerk of the association
20 or the secretary of the corporation.

21 * Sec. 12. AS 10.30 is amended by adding a new section read:

22 Sec. 10.30.155. DEFINITION. In this chapter, "cemetery lot"
23 means a lot, plot, space, grave, niche, mausoleum, crypt, vault or
24 columbarium, used or intended to be used for the interment of human
25 remains.