

Offered: 2/23/84  
Referred: Rules

Original sponsors: Phillips and Lacher

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 569 (L&C)

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, nonprofit  
7 cemetery corporations and cemetery lots."

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 corpo-  
6 ration 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 convey-  
15 ing 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.

26 \* Sec. 13. AS 45.50.561 is amended by adding a new paragraph to read:

27           (9) "cemetery lot" means a lot, plot, space, grave, niche,  
28 mausoleum, crypt, vault or columbarium, used or intended to be used  
29 for the interment of human remains.

1       \* Sec. 14. This Act applies to all assets and funds, including an  
2 irreducible fund, in the possession or control of a cemetery association or  
3 nonprofit cemetery corporation on the effective date of this Act. This Act  
4 does not impair or abrogate any obligation of a cemetery association or  
5 nonprofit cemetery under a contract entered into before the effective date  
6 of this Act.