

Offered: 3/19/84
Referred: Finance

Original sponsor: Kerttula

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 481 (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 that are related to the operation of a cemetery;
9 (2) the preservation and embellishment of cemetery lots and space in
10 buildings or on grounds sold to the association or corporation; or (3)
11 the payment of interest and principal of debts authorized by the
12 association or corporation for the purchase of land or equipment or
13 for the construction or improvement of buildings [CEMETERY]. Where a
14 bylaw has been enacted for the creation of an irreducible fund, the
15 percentage stated in the bylaw [IT] may not be reduced [AMENDED EXCEPT
16 FOR THE PURPOSE OF INCREASING THE FUND].

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

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

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

28 Sec. 10.30.090. DEBTS OF ASSOCIATION. A cemetery association or
29 nonprofit cemetery corporation may [NOT] contract debts in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (9) "cemetery lot" means a lot, plot, space, grave, niche,
29 mausoleum, crypt, vault or columbarium, used or intended to be used

1 for the interment of human remains.

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