

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 384
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30166-LM-2A

Short Title: Cities/Use of Perpetual Care Trust Funds. (Public)

Sponsors: Representative Tyson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT EXPANDING THE PURPOSES FOR WHICH CITIES MAY USE PERPETUAL
3 CARE TRUST FUNDS WHEN THE TRUST FUND WAS CREATED SOLELY FOR THE
4 PURPOSE OF ACCEPTING A CEMETERY AND PERPETUAL CARE TRUST FUNDS
5 FROM A CEMETERY COMPANY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 160A-347 reads as rewritten:

8 "**§ 160A-347. Perpetual care trust funds.**

9 (a) A city is authorized to create a perpetual care trust fund for any cemeteries under its
10 ownership or control, to accept gifts, grants, and devises on behalf of the perpetual care trust
11 fund, to deposit any revenues realized from the sale of lots in or the operation of city cemeteries
12 in the perpetual care trust fund, and to hold and administer the trust fund for the purpose of
13 perpetually caring for and beautifying the city's cemeteries. The city may make contracts with
14 the owners of plots in city cemeteries obligating the city to maintain the plots in perpetuity upon
15 payment of such sums as the council may fix.

16 (b) The principal of perpetual care trust funds shall be held intact, and the income from
17 such funds shall be used to carry out contracts with plot owners for the perpetual care of the plots,
18 and to maintain and perpetually care for the cemetery.

19 (c) Perpetual care trust funds shall be kept separate and apart from all other city funds,
20 and shall in no case be appropriated by, lent to, or in any manner used by the city for any purpose
21 other than the perpetual care of city cemeteries.

22 (d) Notwithstanding any other provision of this section, when a city creates a perpetual
23 care trust fund for the sole purpose of accepting perpetual care trust funds from a cemetery
24 company regulated by the North Carolina Cemetery Commission that has elected or been
25 required to transfer a cemetery and perpetual care trust funds to the city, the city may, in its
26 discretion, do either of the following:

- 27 (1) Transfer the principal and income from the perpetual care trust fund created
28 pursuant to this subsection to the city's general fund for the purpose of
29 establishing, operating, and maintaining cemeteries as authorized by
30 G.S. 160A-341.
31 (2) Use the principal and income from the perpetual care trust fund created
32 pursuant to this subsection for the purpose of perpetually caring for,
33 beautifying, and expanding the city's cemeteries."

34 **SECTION 2.** This act is effective when it becomes law.

