

Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025

HOUSE BILL NO. 1219
(Representatives Mitskog, Schreiber-Beck)
(Senator Luick)

AN ACT to amend and reenact subsection 2 of section 23-21.1-03 of the North Dakota Century Code, relating to the perpetual care fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 23-21.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. To continue to operate as a perpetual care cemetery, ~~any such an~~ organization shall set aside and deposit in the perpetual care fund not less than the following amounts for lots of interment space ~~thereafter~~ sold or disposed of:
 - a. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of twenty dollars for each adult space, whichever is the greater.
 - b. A minimum of ~~twenty~~ten percent of the gross selling price for each child's space with a minimum of five dollars for each space up to forty-two inches [1006.8 millimeters] in length or ten dollars for each space up to sixty inches [1524 millimeters] in length, whichever is the greater.
 - c. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of one hundred dollars for each space or crypt in a mausoleum, whichever is ~~the~~ greater, except a mausoleum located in a cemetery covered by a perpetual care fund which consists of at least ~~twenty~~ten percent of the proceeds received by the cemetery from the sale of cemetery lots, in which event, the perpetual care fund for the public or community mausoleum itself shall contain a minimum of ~~twenty~~ten percent of the cost of the construction of such public or community mausoleum.
 - d. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of ten dollars for each inurnment niche in a columbarium, except a columbarium located in a cemetery covered by a perpetual care fund which consists of at least ~~twenty~~ten percent of the proceeds received by the cemetery from the sale of cemetery lots, in which event, the perpetual care fund for the public or community columbarium itself shall contain a minimum of ~~twenty~~ten percent of the cost of the construction of such public or community columbarium.
 - e. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of one hundred dollars, whichever is the greater, for each interment space in crypt gardens or any other structure or device by whatever name, established or constructed wholly or partially above the natural surface of the ground, for the interment of any dead human body.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1219.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 39 Nays 7 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State