

**HOUSE BILL NO. 1219**

Introduced by

Representatives Mitskog, Schreiber-Beck

Senator Luick

1 A BILL for an Act to amend and reenact subsection 2 of section 23-21.1-03 of the North Dakota  
2 Century Code, relating to the perpetual care fund.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 2. To continue to operate as a perpetual care cemetery, ~~any such an~~ organization shall  
7 set aside and deposit in the perpetual care fund not less than the following amounts  
8 for lots of interment space ~~thereafter~~ sold or disposed of:

- 9 a. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of  
10 twenty dollars for each adult space, whichever is the greater.
- 11 b. A minimum of ~~twenty~~ten percent of the gross selling price for each child's space  
12 with a minimum of five dollars for each space up to forty-two inches [1006.8  
13 millimeters] in length or ten dollars for each space up to sixty inches [1524  
14 millimeters] in length, whichever is the greater.
- 15 c. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of one  
16 hundred dollars for each space or crypt in a mausoleum, whichever is ~~the~~  
17 greater, except a mausoleum located in a cemetery covered by a perpetual care  
18 fund which consists of at least ~~twenty~~ten percent of the proceeds received by the  
19 cemetery from the sale of cemetery lots, in which event, the perpetual care fund  
20 for the public or community mausoleum itself shall contain a minimum of  
21 ~~twenty~~ten percent of the cost of the construction of such public or community  
22 mausoleum.
- 23 d. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of ten  
24 dollars for each inurnment niche in a columbarium, except a columbarium located

- 1 in a cemetery covered by a perpetual care fund which consists of at least  
2 ~~twenty~~ten percent of the proceeds received by the cemetery from the sale of  
3 cemetery lots, in which event, the perpetual care fund for the public or community  
4 columbarium itself shall contain a minimum of ~~twenty~~ten percent of the cost of the  
5 construction of such public or community columbarium.
- 6 e. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of one  
7 hundred dollars, whichever is the greater, for each interment space in crypt  
8 gardens or any other structure or device by whatever name, established or  
9 constructed wholly or partially above the natural surface of the ground, for the  
10 interment of any dead human body.