

**2025 HOUSE POLITICAL SUBDIVISIONS**

**HB 1219**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Room JW327B, State Capitol

HB 1219  
1/31/2025

A BILL for 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.

9:59 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representative Davis

### Discussion Topics:

- Cost of funeral lots
- Preservation of cemeteries

10:00 a.m. Representative Alisa Mitskog, North Dakota Representative for District 25, introduced the bill, testified in favor, and provided testimony #33194.

10:15 a.m. Allyson Hicks, Office of the Attorney General, answered committee questions.

10:19 a.m. Representative Hatlestad moved a Do Pass.

10:19 a.m. Representative Bolinske seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

10:22 a.m. Motion passed 12-0-1

10:22 a.m. Unanimous decision to be placed on the consent calendar.

10:22 a.m. Representative Hatlestad will carry the bill.

**Additional written testimony:**

Simone Sandberg, Board Member and Finance Chair of Fairview Cemetery Association, testified in favor and provided testimony #33201.

10:23 a.m. Chairman Longmuir closed the hearing.

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1219 ([25.0940.01000](#))**

**Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1219 was placed on the Tenth order on the calendar.

**January 31, 2025**

**House Political Subdivision Committee**

**HB 1219**

Chairman Longmuir and Committee Members:

My name is Alisa Mitskog, I represent D25.

HB 1219 is a constituent bill at the request of Fairview Cemetery Association.

Fairview Cemetery is a beautiful perpetual care cemetery located in Wahpeton.

A **perpetual care cemetery** is a cemetery that maintains a fund dedicated to the ongoing upkeep of its grounds. This fund, also known as a permanent care fund or endowed fund, ensures long-term maintenance.

Under **Century Code 23, Section 1**, a perpetual care cemetery is required to allocate **20% of lot sales** into this fund. Only the **interest** generated from the fund can be used for operational costs related to cemetery maintenance.

Maintaining a cemetery is challenging, especially for perpetual care cemeteries that do not receive financial support from a church or other external sources. Since these cemeteries rely primarily on lot sales for revenue, many depend on **volunteers** to assist with operations. However, as volunteer availability declines, cemeteries are increasingly forced to hire staff, creating a significant financial burden.

To help alleviate this strain, I propose **reducing the required set-aside from 20% to 10%**. This adjustment would allow cemetery associations to retain more funds for immediate maintenance and operational expenses. For Fairview Cemetery, this change would result in an additional **\$4,000–\$6,000 per year** for upkeep and care.

I respectfully request your support for this change through HB1219.



# FAIRVIEW CEMETERY ASSOCIATION

Old Fairview • Memorial Gardens • Mausoleum

January 29, 2025

Re: SUPPORT for HB1219

Representative Longmuir and Members of the Political Subdivision Committee:

My name is Simone Sandberg. I am a Board Member and Finance Chair of Fairview Cemetery Association. Fairview Cemetery is a non-denominational, perpetual care cemetery located in Wahpeton, North Dakota. Oversight of the cemetery is provided by an eight-member volunteer Board of Directors along with a parttime manager/secretary/treasurer who is paid a minimal stipend and volunteers numerous hours. Other work at the cemetery is done by volunteers and one individual who spends many paid and volunteer hours mowing/trimming/caretaking.

Being non-denominational, the cemetery is not church supported and must rely on services provided relating to burials, lot and marker sales, and donations to cover cemetery expenses. As a 501 (c) 13 entity, we do not qualify for grants that become available for 501 (c) 3 entities. We continually search for sources of income to cover expenses that increase yearly. In challenging economic times, donations are limited and cemeteries are often overlooked.

Under NDCC 23-21.1-03, as a perpetual care cemetery, we are required to maintain a perpetual care fund. To this fund, we annually deposit 20% of our lot sales. This amounts to as much as \$4,500.00 a year. In some years, this represents nearly 10% of our expenses. We recognize the deposit requirement but due to the increasing financial needs to maintain the cemetery on an ongoing basis we are asking that the 20% deposit amount be reduced to 10%.

Thank you for your time and I urge a DO PASS recommendation on HB1219.

Simone Sandberg

Finance Chair Fairview Cemetery Board

**2025 SENATE STATE AND LOCAL GOVERNMENT**

**HB 1219**

# 2025 SENATE STANDING COMMITTEE MINUTES

## State and Local Government Committee Room JW216, State Capitol

HB 1219  
4/3/2025

Relating to the perpetual care fund.
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10:18 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

### Discussion Topics:

- Cemetery maintenance
- Reduce required set aside
- Fairview Cemetery Association
- Interest earnings
- Entities affected
- Trust fund - cemetery is beneficiary

10:15 a.m. Representative Mitskog, District #25, introduced the bill and submitted testimony #44620.

10:30 a.m. Allyson Hicks, Assistant Attorney General, answered questions from the committee.

10:38 a.m. Senator Lee moved Do Pass.

10:38 a.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	N

Motion Passed 5-1-0

Senator Lee will carry the bill.

### Additional written testimony:

Simone Sandberg, Board Member and Finance Chair Fairview Cemetery Association, submitted testimony in favor #44621.



Senate State and Local Government Committee  
HB 1219  
4/03/2025  
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10:45 a.m. Chair Roers closed the hearing.

*Susan Helbling, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1219 ([25.0940.01000](#))**

**State and Local Government Committee (Sen. Roers, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1219 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Rep. Alisa Mitskog

District 25  
Wahpeton, ND 58075  
amitskog@ndlegis.gov

## COMMITTEES:

Appropriations

April 3, 2025

## Senate State and Local Government Committee HB 1219 Testimony

Chair Roers and Committee Members:

My name is Alisa Mitskog, I represent D25.

HB 1219 is a bill brought to you at the request of Fairview Cemetery Association. Fairview Cemetery is a beautiful perpetual care cemetery located in Wahpeton.

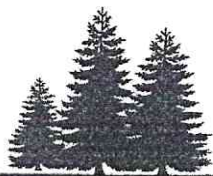
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Maintaining a cemetery is challenging, especially for perpetual care cemeteries that do not receive financial support from a church or other external sources. Since these cemeteries rely primarily on lot sales for revenue, many depend on **volunteers** to assist with operations. However, as volunteer availability declines, cemeteries are increasingly forced to **hire staff**, creating a significant financial burden.

To help alleviate this strain, I propose **reducing the required set-aside from 20% to 10%**. This adjustment would allow cemetery associations to retain more funds for immediate maintenance and operational expenses. For **Fairview Cemetery**, this change would result in an additional **\$4,000–\$6,000 per year** for upkeep and care.

I respectfully request your **support for this change through HB1219**.



# FAIRVIEW CEMETERY ASSOCIATION

Old Fairview • Memorial Gardens • Mausoleum

April 2, 2025

Re: SUPPORT for HB1219

Senator Roers and Members of the Senate State and Local Government:

My name is Simone Sandberg. I am a Board Member and Finance Chair of Fairview Cemetery Association. Fairview Cemetery is a non-denominational, perpetual care cemetery located in Wahpeton, North Dakota. Oversight of the cemetery is provided by an eight-member volunteer Board of Directors along with a parttime manager/secretary/treasurer who is paid a minimal stipend and volunteers numerous hours. Other work at the cemetery is done by volunteers and one individual who spends many paid and volunteer hours mowing/trimming/caretaking.

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Thank you for your time and I urge a DO PASS recommendation on HB1219.

  
Simone Sandberg

Finance Chair Fairview Cemetery Board

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