

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 384

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

Sponsors: Representative Tyson.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 16, 2023

A BILL TO BE ENTITLED

AN ACT EXPANDING THE PURPOSES FOR WHICH CITIES MAY USE PERPETUAL CARE TRUST FUNDS WHEN THE TRUST FUND WAS CREATED SOLELY FOR THE PURPOSE OF ACCEPTING A CEMETERY AND PERPETUAL CARE TRUST FUNDS FROM A CEMETERY COMPANY.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

(1) Transfer the principal and income from the perpetual care trust fund created pursuant to this subsection to the city's general fund for the purpose of establishing, operating, and maintaining cemeteries as authorized by G.S. 160A-341.

(2) Use the principal and income from the perpetual care trust fund created pursuant to this subsection for the purpose of perpetually caring for, beautifying, and expanding the city's cemeteries."

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



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