A bill for an act

relating to town cemeteries; specifying uses of certain cemetery funds; amending Minnesota Statutes 2006, sections 365.29; 365.30; 365.31; 365.33, subdivision 4; 365.35; 365.36, subdivisions 2, 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 365.29, is amended to read:

365.29 PART OF LOT PRICE GOES TO CEMETERY FUND.

A town's board may require that part of the price paid for a lot in its cemetery goes into a permanent fund. The money in the fund must be deposited under section 365.32. ~~Interest~~ Money from the fund in an amount sufficient to care for and beautify the lot must be paid annually to the cemetery's directors. The directors shall ~~spend~~ furnish the town board with the amount of money needed to care for and beautify the lot. The amount spent on a lot must be in the same proportion that the part of the price put in the fund from the sale of that lot is of the total fund. Money from the fund must not be used for routine cemetery maintenance.

Sec. 2. Minnesota Statutes 2006, section 365.30, is amended to read:

365.30 BOARD SETS LOT CARE SHARE, HOW INTEREST USED.

A town's board ~~may~~ shall decide the share of its cemetery lot price that is for caring for and beautifying the lot and the cemetery. The board may also require the cemetery directors to spend ~~the interest on the share~~ additional money from the permanent fund as set out in sections 365.29 to 365.36.

Sec. 3. Minnesota Statutes 2006, section 365.31, is amended to read:

365.31 GIFT FOR CEMETERY OR LOT; USE INTEREST FOR CARE.

A town's board and the directors of its cemetery may accept a gift of money to the cemetery fund. They may require that the principal and interest from the deposit of the gift be used by the directors to care for and beautify the cemetery or its lots. If a donor gives a gift for use of a specific lot, the board or the directors may accept the gift and then shall use it and interest on it on that lot.

Sec. 4. Minnesota Statutes 2006, section 365.33, subdivision 4, is amended to read:

Subd. 4. **Withdrawal, use of interest.** Annually the county treasurer shall withdraw ~~the interest earned on~~ money from the fund ~~money~~ as directed by the town board and pay it to the directors of the cemetery. The directors may use the ~~interest~~ money only for purposes of sections 365.29 to 365.36.

Sec. 5. Minnesota Statutes 2006, section 365.35, is amended to read:

365.35 FUND PRINCIPAL, EXTRA INTEREST ~~NEVER TO BE USED~~.

The principal of a town's cemetery fund must ~~never~~ be used as directed by the town board. Interest earned by the fund that is not needed to care for or beautify the cemetery or its lots in any year must be added to the principal by the cemetery's directors.

Sec. 6. Minnesota Statutes 2006, section 365.36, subdivision 2, is amended to read:

Subd. 2. **County treasurer's duties.** The town board and the cemetery directors may require the county treasurer to withdraw money from the depository for investment under this section. The securities invested in must remain with the county treasurer. The bond of the county treasurer is security for the proper care of the securities. The bond is also security for the payment to the cemetery directors of interest earned by the securities and received by the treasurer. On receiving payments on the securities the county treasurer shall deposit the payments in the county depository. The county treasurer also shall collect the interest on money loaned from the fund. The county treasurer shall then pay the money received and collected to the directors of the cemetery when they ask for it. Annually the county treasurer shall pay the cemetery directors all interest on money received or collected on money deposited or invested under sections 365.29 to 365.36, and principal as directed by the town board.

Sec. 7. Minnesota Statutes 2006, section 365.36, subdivision 3, is amended to read:

Subd. 3. **Treasurer's report and statements.** Before March 2 each year the county treasurer shall make a report to the town board. The report must have a statement of all money received by the treasurer under sections 365.29 to 365.36 during the last calendar year. The statement must include:

(1) the amount of money and the amount of securities in the permanent fund on the first day of the calendar year;

(2) the amount of money paid into the fund during the year;

(3) the amount of money invested in securities in the year;

(4) the amount of money and the amount of securities in the fund at the end of the calendar year;

(5) the amount of interest collected on the fund and turned over to the directors; ~~and~~

(6) the amount of excess interest returned by the directors, deposited in the treasury, and added to the permanent fund~~.~~; and

(7) the amount of principal in the fund turned over to the directors at the direction of the town board.