

# SENATE BILL No. 303

April 29, 2015, Introduced by Senators KNOLLENBERG, MARLEAU, KOWALL and ZORN and referred to the Committee on Regulatory Reform.

A bill to amend 1937 PA 215, entitled

"An act to authorize municipalities to own or control cemetery or burial grounds; to provide for perpetual care and maintenance; to provide for endowment and perpetual care funds; and to permit municipalities to authorize the creation of joint cemetery associations,"

by amending section 1 (MCL 128.1), as amended by 1980 PA 366.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. (1) The legislative body of a municipality owning or  
2           controlling a cemetery or burial grounds may by resolution or  
3           ordinance provide for the perpetual care and maintenance of a ~~THE~~  
4           cemetery or **A** burial lot upon the payment by the owner of the lot  
5           or another person of the agreed upon sum, and in consideration for  
6           which the municipality may bind itself to perpetually care for and  
7           maintain the lot.

8           (2) **SUBJECT TO SUBSECTION (3), MONEY DEPOSITED IN A PERPETUAL**  
9           **CARE AND MAINTENANCE FUND FOR A CEMETERY OWNED OR CONTROLLED BY A**

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Senate Bill No. 303 as amended January 26, 2016

1 MUNICIPALITY MAY BE INVESTED IN MUTUAL FUNDS CONSISTING OF FIXED  
2 INCOME SECURITIES, EQUITY SECURITIES, OR BOTH, IF BOTH OF THE  
3 FOLLOWING REQUIREMENTS ARE MET:

4 (A) THE EQUITY POSITION OF THE PERPETUAL CARE AND MAINTENANCE  
5 FUND DOES NOT EXCEED 60% OF THE PERPETUAL CARE AND MAINTENANCE FUND  
6 BALANCE [AND THE EQUITY POSITION DOES NOT CONTAIN MORE THAN 40% IN ANY  
7 GIVEN ASSET CATEGORY].

8 (B) EACH MUTUAL FUND IS RATED IN THE TOP 2 OF 5 OR MORE TIERS  
9 BY MORNINGSTAR, INC. OR ANOTHER NATIONALLY RECOGNIZED MUTUAL FUND  
10 RATING AGENCY [AT THE TIME OF PURCHASE].

11 (3) SUBSECTION (2) DOES NOT PROHIBIT ANY OTHER INVESTMENTS  
12 THAT MAY BE AUTHORIZED BY LAW.

13 (4) ~~(2)~~—A testamentary trustee appointed by a probate court of  
14 a trust fund, the ~~use and~~ income from which is to be used to  
15 maintain a cemetery or burial lot, may, upon petition to the  
16 probate court ~~which~~ **THAT** authorized his, her, or its **THE TRUSTEE'S**  
17 appointment, be authorized and directed by the court to transfer  
18 the ~~fund or funds~~ **MONEY** in his or her **THE TRUSTEE'S** possession in  
19 the corpus of the trust to a municipality ~~which has complied with~~  
20 this section, under the provisions of the **UNDER AN** ordinance or  
21 resolution **ADOPTED UNDER SUBSECTION (1)**. Upon receipt of the ~~funds~~  
22 **MONEY** filed with the probate court the testamentary trustee may be  
23 discharged from the trust.

24 Enacting section 1. This amendatory act takes effect 90 days  
after the date it is enacted into law.