

No. 635

AN ACT

Amending the act of May 5, 1933 (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," requiring additional provisions to be included in the articles of incorporation of cemetery and burial companies, and further providing for the establishment and operation of funds created by such companies.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Nonprofit Corporation Law.

Section 1. Section 216, act of May 5, 1933 (P. L. 289), known as the "Nonprofit Corporation Law," is amended to read:

Section 216, act of May 5, 1933, P. L. 289, amended.

Section 216. Cemetery and Burial Companies.—In the case of the incorporation of a cemetery or burial company as a nonprofit corporation, the articles of incorporation shall, in addition to the information heretofore required by this article, contain a provision: (1) that a sum equal to at least [one-tenth] *fifteen per centum (15%)* of the gross amount of the funds arising from the sale of lots in the burial ground or cemetery of the company *or a sum equal to at least forty cents (\$.40) per square foot of all land sold for burial lots, whichever is greater*, shall be set apart for the perpetual care and preservation of the grounds and the repair and renewal of the buildings and property of such company; and that such sum shall be invested by the board of directors in investments similar to those constituted as legal investments for trustees, under the laws of this Commonwealth; and that the income arising therefrom shall be applied by the board of directors to the above purposes; (2) *that a permanent lot care fund shall be established prior to the disposal or sale of any burial lots as required by section 216.1; and (3) that a sum equal to at least fifteen per centum (15%) of the gross sales price of each lot sold or a sum equal to at least forty cents (\$.40) per square foot of each burial lot sold,*

whichever is greater, shall be deposited in the permanent lot care fund.

Act amended by
adding a new sec-
tion 216.1.

Section 2. The act is amended by adding, after section 216, a new section to read:

Section 216.1. - Cemetery and Burial Companies Permanent Lot Care Fund.—In addition to the requirements of sections 216 and 315, the incorporators of any cemetery or burial company, hereafter organized as a nonprofit corporation, before disposing of any burial lot or making any sale thereof, shall cause to be deposited in a bank and trust company, trust company or national banking association having fiduciary powers a sum of not less than twenty-five thousand dollars (\$25,000) as a permanent lot care fund for the maintenance of burial lots, and shall designate such banking institution as trustee of such fund. Whenever burial lots are, from time to time, sold by the company, it shall add to the permanent lot care fund a sum equal to at least fifteen per centum (15%) of the gross sales price of each lot sold or a sum equal to at least forty cents (\$.40) per square foot of each burial lot sold, whichever is greater. The permanent lot care fund so established shall be invested in securities which are legal investments for trustees under the laws of this Commonwealth, and the corporate trustee shall pay, semi-annually, the net income from the fund to the cemetery or burial company for the purposes herein set forth.

Every such cemetery or burial company shall, before disposing of any burial lot or making any sale thereof, cause to be filed with the Department of State an affidavit signed by at least a majority of the board of directors, stating that it has caused to be deposited at least twenty-five thousand dollars (\$25,000) as a permanent lot care fund, as hereinbefore provided, to which affidavit shall be attached an acceptance by the banking institution designated as trustee thereof acknowledging its acceptance of the trusteeship.

Whenever the cemetery or burial company shall have deposited in the fund, required to be established by the provisions of sections 216 and 315, a sum equal to the amount of money required to be originally deposited in the fund required to be established by this section, it shall submit proof of such fact to the corporate trustee and it shall be the duty of the corporate trustee to thereupon pay over to the cemetery or burial company the amount so originally deposited by it in the permanent lot care fund free and clear of the restrictions and limitations of this section.

Nothing herein contained shall be construed to mean that two separate funds must be created. The sum of

*twenty-five thousand dollars (\$25,000) which is required to be deposited under the provisions of this section is the same as the fund which the articles must provide to be set *apart under the provisions of sections 216 and 315.*

Existing church-owned cemeteries may incorporate under the provisions of this act without complying with the provisions of this section.

APPROVED—The 19th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 636

AN ACT

Amending the act of March 30, 1937 (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," providing for the registration of physically disabled persons.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (a) of section 20, act of March 30, 1937 (P. L. 115), known as "The First Class City Permanent Registration Act," amended July 31, 1941 (P. L. 710), is amended to read:

The First Class City Permanent Registration Act.

Subsection (a), section 20, act of March 30, 1937, P. L. 115, amended July 31, 1941, P. L. 710, further amended.

Section 20. Manner of Registration.—(a) Every person claiming the right to be registered as an elector must appear in person before the commission, a commissioner, a clerk or employe of the commission acting as registrar or a registrar at the main office of the commission, or at such other office or place as the commission shall have designated, and answer the questions required to be asked in accordance with this act.

* "part" in original.