

the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further regulating the affidavit of the circulator of a nomination petition.

Pennsylvania
Election Code.

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

Section 909, act
of June 3, 1937,
P. L. 1333,
amended.

Section 1. Section 909, act of June 3, 1937 (P. L. 1333), known as the "Pennsylvania Election Code," is amended to read:

Section 909. Petition May Consist of Several Sheets; Affidavit of Circulator.—Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. Each sheet shall have appended thereto the affidavit of [some person, not necessarily a signer, and not necessarily the same person on] *the circulator of each sheet, setting forth—*(a) that [the affiant] *he or she is a qualified elector duly registered and enrolled as a member of the designated party of the State, or of the political district, as the case may be, referred to in said petition, unless said petition relates to the nomination of a judicial candidate in which event the circulator need not be a duly registered and enrolled member of the designated party;* (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the affidavit; (f) that each signed on the date set opposite his name; and (g) that, to the best of affiant's knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

Effective sixty
days after final
enactment.

Section 2. This act shall take effect August 1, 1961.

APPROVED—The 15th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 585

AN ACT

Amending the act of May 5, 1933 (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain

rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers 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," clarifying the provisions of the act relating to the setting aside of funds by cemetery and burial corporations and bringing additional corporations within the provisions of the act.

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

Business Corporation Law.

Section 1. Section 209.1, act of May 5, 1933 (P. L. 364), known as the "Business Corporation Law," amended August 14, 1959 (P. L. 725), is amended to read:

Section 209.1, act of May 5, 1933, P. L. 364, amended August 14, 1959, P. L. 725, further amended.

Section 209.1. Cemetery and Burial Corporations Permanent Lot Care Fund.—In addition to the requirements of section 209, the incorporators of any cemetery or burial corporation hereafter organized as a business 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] *any* corporation, *heretofore or hereafter incorporated*, 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 corporation for the purposes herein set forth.

Any natural person, partnership or unincorporated association subject to the provisions of the act of October 2, 1959 (P. L. 1008), which hereafter forms a cemetery or burial corporation and which prior to its incorporation established a permanent lot care fund in compliance with said act, which permanent lot care fund has become an asset of the corporation, shall be credited with the

amount of such fund for the purpose of complying with this act.

Every such cemetery or burial corporation 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 corporation shall have deposited in the fund required to be established by the provisions of clause (1) of section two hundred nine 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 corporation 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 section 209.

APPROVED—The 15th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 586

AN ACT

Reenacting and amending the act of August 10, 1951 (P. L. 1199), entitled "An act concerning devises, bequests of gifts in trust for the care and maintenance of cemeteries, burial grounds or cemetery lots, trustees and substituted trustees thereof, sureties of said trustees, the investment of such trust funds, accounts of said trustees; approving actions and proceedings prior to this act; and repealing conflicting laws," extending the provisions thereof to include business corporations.

Investments.

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

Sections 1, 2, and 3, act of August 10, 1951, P. L. 1199, amended October 26, 1959, P. L. 1381, reenacted and amended.

Section 1. Sections 1, 2 and 3, act of August 10, 1951 (P. L. 1199), entitled "An act concerning devises, bequests or gifts in trust for the care and maintenance of cemeteries, burial grounds or cemetery lots, trustees and substituted trustees thereof, sureties of said trustees,