

# HOUSE BILL No. 1220

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-14-48-2.2; IC 30-4-3-3.2.

**Synopsis:** Withdrawals from cemetery perpetual care funds. Provides that if the perpetual care fund of a cemetery is established as a trust, the trustee may withdraw as much appreciation of the principal of the fund and income earned by the fund as the cemetery law allows and the trustee considers necessary to pay the cost of perpetual care of the cemetery even though terms of the trust would otherwise restrict withdrawals from the fund to a lesser amount.

**Effective:** Upon passage.

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## Heaton

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January 11, 2016, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1220

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-14-48-2.2 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. If the perpetual care fund**  
4 **of a cemetery is established as a trust, the trustee of the trust may,**  
5 **to the extent allowed by section 2 of this chapter, withdraw:**  
6 **(1) appreciation of the principal of the fund; and**  
7 **(2) income earned by the fund;**  
8 **in amounts the trustee considers necessary to pay the cost of**  
9 **perpetual care of the cemetery, notwithstanding any provision in**  
10 **the terms of the trust that would restrict withdrawals from the**  
11 **trust for perpetual care of the cemetery to less than the amounts**  
12 **allowed by section 2 of this chapter.**

13 SECTION 2. IC 30-4-3-3.2 IS ADDED TO THE INDIANA CODE  
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
15 UPON PASSAGE]: **Sec. 3.2. The trustee of a trust established as the**  
16 **perpetual care fund of a cemetery under IC 23-14-48-2 may, under**  
17 **IC 23-14-48-2.2, without court authorization, withdraw from the**



1     **trust the amounts allowed by IC 23-14-48-2 to pay the cost of**  
2     **perpetual care of the cemetery, notwithstanding any provision in**  
3     **the terms of the trust that would restrict withdrawals from the**  
4     **trust to less than the withdrawals allowed by IC 23-14-48-2.**  
5         **SECTION 3. An emergency is declared for this act.**

