

H.367

An act relating to the management of perpetual care funds by cemetery associations

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 5384 is amended to read:

§ 5384. PAYMENT TO TREASURER; RECORD; INVESTMENT

(a) Unless otherwise directed by the donor, all monies received by a town for cemetery purposes shall be paid to the town treasurer, who shall give a receipt therefor, which shall be recorded in the office of the town clerk in a book kept for that purpose. ~~In such~~ The book shall also ~~be stated~~ state the amount received from each donor, the time when, and the specific purpose ~~to~~ for which the use thereof it is appropriated.

(b)(1) All monies so received by the town may be invested and reinvested by the treasurer, with the approval of the selectboard, by deposit in:

(A) ~~banks chartered by the State~~ certificates of deposit and other evidences of deposit at Vermont, national, or federal chartered banks, and savings and loan associations that are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor;

(B) ~~national banks~~ obligations of the United States, its agencies, and instrumentalities, which have a liquid market with readily determinable market value;

~~(C) bonds of the United States or of municipalities whose bonds are legal investment for banks chartered by the State~~ investment-grade obligations of state or local governments, instrumentalities, and public authorities; and

~~(D) bonds or notes legally issued in anticipation of taxes by a town, village, or city in this State, or first mortgages on real estate in Vermont;~~

~~(E) the shares of an investment company or an investment trust, such as a mutual fund, closed-end fund, or unit investment trust, that is registered under the federal Investment Company Act of 1940, as amended, if such fund has been in operation for at least five years and has net assets of at least \$100,000,000.00;~~ ~~or~~

~~(F) shares of a savings and loan association of this State, or share accounts of a federal savings and loan association with its principal office in this State, when and to the extent to which the withdrawal or repurchase value of such shares or accounts are insured by the Federal Savings and Loan Insurance Corporation.~~

* * *

Sec. 2. 18 V.S.A. § 5437 is amended to read:

§ 5437. INVESTMENT

A cemetery association shall invest such trust funds ~~and shall expend the income therefrom in accordance with the provisions of~~ in the same manner as town cemeteries pursuant to section 5309 5384 of this title and may delegate

the management and investment of cemetery association funds pursuant to
subdivision (b)(3) of that section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022.