

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1041
HOUSE BILL 1159

1 AN ACT AMENDING ARTICLE 24 OF CHAPTER 58, RELATING TO MUTUAL BURIAL
2 ASSOCIATIONS.

3
4 The General Assembly of North Carolina do enact:

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6 **Section 1.** G.S. 58-237.1 is rewritten in its entirety to read as follows:

7 "Each burial association shall have at all times a surplus of at least three dollars (\$3.00) per
8 member. For the purpose of determining such surplus, advanced assessments, unpaid death
9 benefits and other unpaid expenses shall be included as liabilities at time of determining such
10 surplus.

11 "The Burial Commission shall order any burial association that has a surplus of less than
12 three dollars (\$3.00) per member, as determined by the last audit made by the Commissioner's
13 office of a burial association's books or by the annual statement filed by an association, to
14 immediately increase its assessments of its members, the number of such increase in
15 assessments to be in the Commission discretion, provided that no association, unless its death
16 loss requires, shall be ordered to make more than 12 single assessments per year. When the
17 surplus of any association so ordered shall reach three dollars (\$3.00) per member, the Burial
18 Commission may, in its discretion, decrease the number of assessments of such association so
19 as to, as near as possible, maintain a surplus of three dollars (\$3.00) per member.

20 "Any burial association, with the prior approval of the Burial Commission, may maintain a
21 surplus of over three dollars (\$3.00) per member."

22 **Sec. 2.** Article 4 of G.S. 58-226 is amended by striking all of said Article after the
23 period in line 37 thereof and substituting in lieu thereof the following:

24 "Upon the failure of any secretary or secretary-treasurer to comply with this provision, it
25 shall be the duty of the Burial Association Commissioner to take charge of the books of the
26 association and do whatever work is necessary to bring the books up-to-date. The actual costs
27 of said work may be charged the burial association and shall be paid from the thirty per cent
28 (30%) allowed by law for the operation of the burial association.

29 "Whenever in the opinion of the Burial Association Commissioner, it is necessary to audit
30 the books of any burial association more than three times in any calendar year, the Burial
31 Association Commission shall have authority to assess such burial association the actual cost of
32 any audit in excess of three per calendar year, provided that no more than three audits may be
33 deemed necessary unless a discrepancy exists at the last regular audit. Such cost shall be paid
34 from the thirty per cent (30%) allowed by law for the operation of the burial association.

35 "Every burial association shall file with the Burial Commission an annual report of its
36 financial condition on a form furnished to it by the Burial Commissioner.

37 Such report shall be filed on or before February 15 of each calendar year and shall
38 cover the complete financial condition of the burial association for the immediate preceding
39 calendar year. The Burial Association Commission may levy and collect a penalty of twenty-
40 five dollars (\$25.00) for each day after February 15 that the report called for herein is not filed.
41 The Commission may, in its discretion, grant any reasonable extension of the above filing date
42 without the penalty provided in this Section. Such penalty shall be paid from the thirty per cent
43 (30%) allowed by law for the operation of the burial association. Any secretary or secretary-

1 treasurer who fails to file such financial report on or before February 15 of each calendar year
2 shall be guilty of a misdemeanor and shall be punished by a fine of not in excess of one
3 hundred dollars (\$100.00) and imprisoned for not in excess of 30 days, or both fined and
4 imprisoned. Each day after February 15 that said report is not filed by the secretary or
5 secretary-treasurer of a burial association, shall constitute a separate offense."

6 **Sec. 3.** Article 11 of G.S. 58-226 is rewritten in its entirety to read as follows:

7 "Article 11. Assessments shall be made as provided in G.S. 58-237.1. Whenever possible,
8 assessments will be made at definitely stated intervals so as to reduce the cost of collection and
9 to prevent lapse."

10 **Sec. 4.** All laws and clauses of laws in conflict with this Act are hereby repealed.

11 **Sec. 5.** This Act shall be in effect upon ratification.

12 In the General Assembly read three times and ratified, this the 26th day of June,
13 1969.