

2015 SESSION

INTRODUCED

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SENATE BILL NO. 1174

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend and reenact § 54.1-2324 of the Code of Virginia, relating to the Cemetery Board; perpetual care trust fund; review by independent certified public accountant.*

Patrons—Obenshain and Alexander

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2324 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2324. Financial report and written assurance required for perpetual care trust funds.

A. Within four months after the close of its fiscal year, the cemetery company shall report the following information to the Board, on forms prescribed by the Board:

1. The total amount of principal in the perpetual care trust fund;

2. The securities in which the perpetual care trust fund is invested and the amount of cash on hand as of the close of the fiscal year;

3. The income received from the perpetual care trust fund, and the sources of such income, during the preceding fiscal year;

4. An affidavit executed by the compliance agent that all applicable provisions of this chapter relating to perpetual care trust funds have been complied with;

5. The total receipts subject to the 10 percent trust requirement;

6. All expenditures from the perpetual care trust fund;

7. If the trustee is other than a Virginia trust company or trust subsidiary or a federally insured bank or savings institution doing business in the Commonwealth, proof that the required fidelity bond has been secured and that it is in effect;

8. A separate total of expenses incurred for general care and maintenance, embellishment and administration of its cemeteries.

B. The cemetery company shall employ an independent certified public accountant to ~~audit~~ *evaluate* and provide assurance that, with regard to the total of all receipts subject to § 54.1-2319, the report of the owner, operator or developer is true and correct and that the required deposits to the perpetual care trust fund have been made on a timely basis. Such ~~audit~~ *evaluation* shall provide full disclosure of any transactions between the perpetual care trust fund and any directors, officers, stockholders, or employees of the cemetery company, or relatives of the cemetery company's employees, and shall include a description of the transactions, the parties involved, the dates and amounts of the transactions, and the reasons for the transactions.

C. The information required to be filed hereunder with the Board shall be exempt from the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

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